



NEWS RELEASE

Administrative Office of the U.S. Courts

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Authorized Federal and State Wiretaps Rose 19 Percent in 2004

A total of 1,710 applications for wiretaps of wire, oral or electronic communications were authorized in calendar year 2004, an increase of 19 percent over 2003. Of those, 730 applications were submitted to federal judges and 980 to state judges. That is an increase of 26 percent in the number of federally approved wiretaps, compared to 2003, and a 13 percent increase in applications approved by state judges. No requested applications were denied in 2004. Wiretaps terminated in 2004 resulted in the conviction of 634 persons as of December 31, 2004.

The Administrative Office of the U.S. Courts is required to report to Congress the number and nature of federal and state applications for orders authorizing or approving the interception of wire, oral, or electronic communications. Information on those intercepts is contained in the *2004 Wiretap Report*, which along with previous reports, is available on-line at www.uscourts.gov/library/wiretap.html. The report covers intercepts concluded between January 1, 2004, and December 31, 2004.

Forty-seven jurisdictions—the federal government, the District of Columbia, the Virgin Islands and 44 states—currently have laws authorizing courts to issue orders permitting wire, oral or electronic surveillance. In 2004, wiretap applications in New York (347 applications), California (180 applications), New Jersey (144 applications), and Florida (72 applications) accounted for 76 percent of all applications approved by state judges.

The three major categories of surveillance are wire communications, oral communications and electronic communications. The most common method of surveillance was phone wire communication, which includes all telephones (land line, cellular, cordless, and mobile). Telephone wiretaps accounted for 94 percent or 1,530 cases of intercepts installed in 2004. The next most common method, electronic wiretap, which includes digital display pagers, voice pagers, fax machines and transmissions via computer, accounted for 2 percent of all wiretaps, or 38 cases. Oral wiretaps including microphones were used in 2 percent of intercepts, or 37 cases. A combination of surveillance methods was used in the remaining 2 percent of intercepts.

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The most common location specified in wiretap applications was “portable device, carried by/on individual,” a category that includes portable digital pagers and cellular phones. In 2004, a total of 88 percent (1,507 wiretaps) of all intercepts authorized involved portable devices such as these.

Seventy-six percent of all applications for intercepts in 2004, 1,308 wiretaps, cited drug offenses as the most serious offense under investigation. Nationwide, racketeering (138 orders) and gambling (90 orders) were specified in 8 and 5 percent of applications, respectively, as the most serious offense under investigation. The categories of homicide/assault (48 orders) and larceny/theft/robbery (39 orders) were specified in 3 percent and 2 percent of applications, respectively.

As of December 31, 2004, a total of 4,506 persons had been arrested, and 634 persons convicted, based on interceptions of wire, oral, or electronic communications.

Each federal and state judge is required to file a written report with the Administrative Office of the U.S. Courts on each application for an order authorizing the interception of a wire, oral, or electronic communication. This report is to be furnished within 30 days of the denial of the application or the expiration of the court order. No report to the AO is required when an order is issued with the consent of one of the principal parties to the communication or for the use of a pen register, unless the pen register is used in conjunction with any wiretap devices whose use must be reported. The *2004 Wiretap Report* does not include interceptions regulated by the Foreign Intelligence Surveillance Act of 1978.

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