

Wiretap Report 2021

Last updated on December 31, 2021

This report covers wiretaps concluded between January 1, 2021, and December 31, 2021, that were reported properly to the Administrative Office of the U.S. Courts.¹ This report also provides supplementary information reported to the AO on arrests and convictions resulting from wiretaps concluded in prior years.

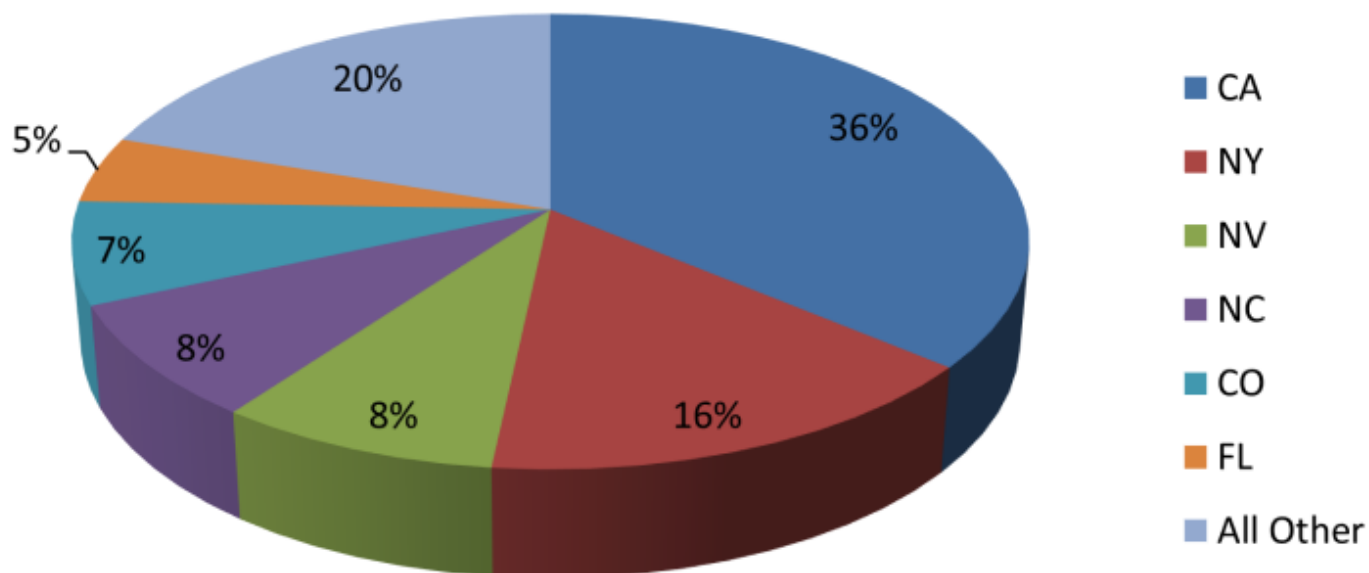
Forty-eight jurisdictions (the federal government, the District of Columbia, the Virgin Islands, Puerto Rico, and 44 states) currently have laws that authorize courts to issue orders permitting wire, oral, or electronic surveillance. [Table 1 \(/node/28732/\)](#) shows that a total of 21 jurisdictions (including state and federal entities) reported using at least one of these types of surveillance as an investigative tool during 2021.

Summary and Analysis of Reports by Judges

The number of federal and state wiretaps reported in 2021 decreased 6 percent from 2020. A total of 2,245 wiretaps were reported as authorized in 2021, with 1,102 authorized by federal judges and 1,143 authorized by state judges. Compared with the applications approved during 2020, the number approved by federal judges decreased 15 percent in 2021, and the number approved by state judges increased 6 percent.

In 20 states, a total of 107 separate local jurisdictions (including counties, cities, and judicial districts) reported wiretap applications for 2021. Applications concentrated in six states (California, New York, Nevada, North Carolina, Colorado, and Florida) accounted for 80 percent of all state wiretap applications.

State Wiretap Authorizations in 2021



Seventy-eight federal jurisdictions submitted reports of wiretap applications for 2021. The Southern District of Texas authorized the most federal wiretaps, approximately 5 percent of the applications approved by federal judges.

Federal judges and state judges reported the authorization of 410 wiretaps and 72 wiretaps, respectively, for which the AO received no corresponding data from prosecuting officials. Wiretap Tables [A-1 \(/node/28774/\)](#) and [B-1 \(/node/28781/\)](#) (which are available online at [http://www.uscourts.gov/statistics-reports/analysis-reports/wiretap-reports \(/statistics-reports/analysis-reports/wiretap-reports\)](http://www.uscourts.gov/statistics-reports/analysis-reports/wiretap-reports (/statistics-reports/analysis-reports/wiretap-reports))) contain information from judge and prosecutor reports submitted for 2021. The entry “NP” (no prosecutor’s report) appears in these tables whenever a prosecutor’s report was not submitted. Some prosecutors may have delayed filing reports to avoid jeopardizing ongoing investigations. Some of the prosecutors’ reports require additional information to comply with reporting requirements or were received too late to include in this

document. Information about these wiretaps should appear in future reports.

Wiretap Orders, Extensions, and Locations

[Table 2 \(/statistics/table/wire-2/wiretap/2021/12/31\)](#) presents the number of wiretap orders issued in each jurisdiction that provided reports, the number of extensions granted, the average lengths of the original periods authorized and any extensions, the total number of days in operation, and the locations of the communications intercepted. Federal and state laws limit the period of surveillance under an original order to 30 days. This period, however, can be lengthened by one or more extensions if the authorizing judge determines that additional time is justified.

During 2021, the average reported length of an original authorization was 30 days, the same as in 2020. The average reported length of an extension was also 30 days. In total, 1,437 extensions were reported as requested and authorized in 2021, a decrease of 4 percent from the prior year. The District of Massachusetts (MA) conducted the longest federal wiretap that was terminated in 2021. One original order in MA was extended 10 times to complete a 330-day wiretap used in a narcotics investigation. An order in the Southern District of California (CA-S) was extended 8 times to complete a 257-day wiretap in a money laundering investigation. For state intercepts terminated in 2021, the longest wiretap occurred in Nassau, New York, where an original order was extended 14 times to complete a 383-day wiretap used in a narcotics investigation.

The most frequently noted location in reported wiretap applications was “portable device.” This category includes cell phone communications, text messages, and application software (apps). In 2021, a total of 94 percent of all authorized wiretaps (2,112 wiretaps) were reported to have used portable devices.

Prosecutors, under certain conditions, including a showing of probable cause to believe that actions taken by a party being investigated could have the effect of thwarting interception from a specified facility, may use “roving” wiretaps to target specific persons by using electronic devices at multiple locations rather than at a specific telephone or location (see 18 U.S.C. § 2518(11)). In 2021, a total of 45 reported federal and state wiretaps were designated as roving.

Criminal Offenses

Drug offenses were the most prevalent type of criminal offenses investigated using reported wiretaps. [Table 3 \(/node/28746/\)](#) indicates that 51 percent of all applications for wiretaps (1,135

wiretap applications) in 2021 cited narcotics as the most serious offense under investigation. Applications citing narcotics combined with applications citing other offenses, which include other offenses related to drugs, accounted for 79 percent of all reported wiretap applications in 2021, an increase of 2 percent from 2020. Conspiracy, the second-most frequently cited crime, was specified in 11 percent of applications. Homicide and assault, the third-largest category, was specified as the most serious offense in approximately 5 percent of applications. Many applications for court orders revealed that multiple criminal offenses were under investigation, but [Table 3 \(/node/28746/\)](#) includes only the most serious criminal offense listed on an application.

Lengths and Numbers of Wiretaps

In 2021, reported installed wiretaps were in operation for an average of 44 days, 2 days longer than the average in 2020. The federal wiretap with the most intercepts occurred during a money laundering investigation in the CA-S and resulted in the interception of 156,252 messages in 257 days. The state wiretap with the most intercepts was a 210-day wiretap for an illegal drugs investigation in the Third Judicial District of New York, which resulted in the interception of 228,566 messages. See [Table A-1 \(/node/28774/\)](#) and [Table B-1 \(/node/28781/\)](#) for data on lengths and numbers of intercepts.

Encryption

The number of state wiretaps reported in which encryption was encountered decreased from 184 in 2020 to 176 in 2021. In 171 of these wiretaps, officials were unable to decipher the plain text of the messages. A total of 183 federal wiretaps were reported as being encrypted in 2021, of which 161 could not be decrypted.

Cost of Wiretaps

[Table 5 \(/statistics/table/wire-5/wiretap/2021/12/31\)](#) provides a summary of expenses related to wiretaps in 2021. The expenditures noted reflect the cost of installing wiretap devices and monitoring communications for the 1,289 authorizations for which reports included cost data. The average cost of a wiretap in 2021 was \$161,818, up 35 percent from the average cost in 2020. In New York, a 210-day state wiretap conducted to investigate an illegal drugs offense that resulted in 42 arrests totaled \$2,625,600. For federal wiretaps for which expenses were reported in 2021,

the average cost was \$280,812, a 178 percent increase from 2020. In the Eastern District of Michigan, a 120-day federal wiretap in an illegal drugs investigation resulted in 3 arrests and totaled \$2,040,800.

Methods of Surveillance

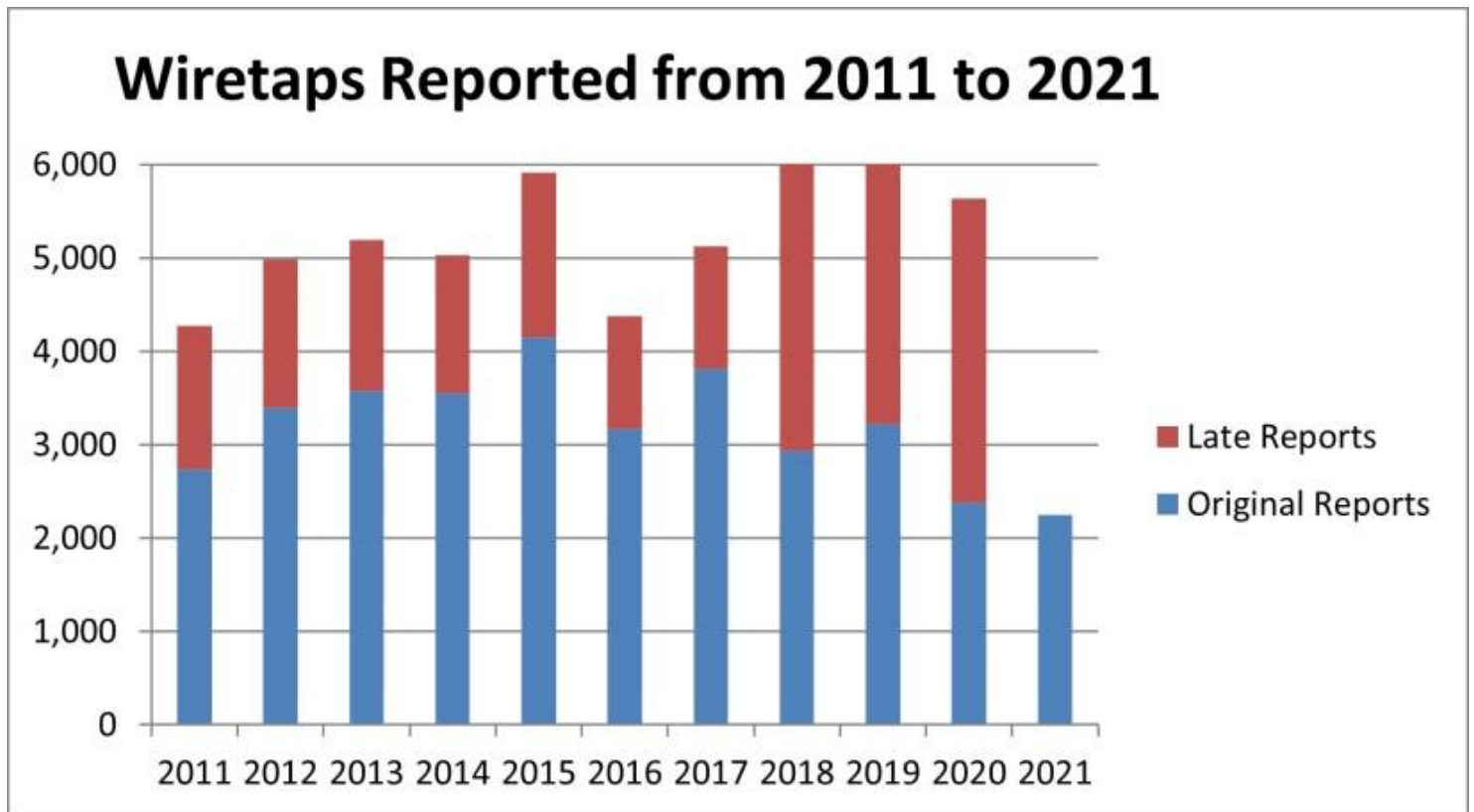
The three major categories of surveillance are wire, oral, and electronic communications. [Table 6 \(/node/28767/\)](#) presents the type of surveillance method used for each wiretap installed. The most common method reported was wire surveillance, which accounted for 60 percent (1,049 cases) of the intercepts installed in 2021.

Arrests and Convictions

Data on individuals arrested and convicted as a result of wiretaps reported as terminated are presented in Table 6. As of December 31, 2021, a total of 8,314 persons had been arrested (up 26 percent from 2020), and 946 persons had been convicted (up 204 percent from 2020). Federal wiretaps were responsible for 44 percent of the arrests and 45 percent of the convictions arising from wiretaps for this period. The District of Massachusetts reported the most arrests for a federal district in 2021, with wiretaps there resulting in the arrest of 621 individuals. The Southern District of Alabama reported the most convictions for a federal district in 2021, with wiretaps there resulting in the conviction of 198 individuals. State wiretaps were responsible for 56 percent of the arrests and 55 percent of the convictions arising from wiretaps for this period. Colorado reported the largest number of arrests (627). New York reported the highest number of convictions (265) arising from a state wiretap in 2021.

Summary of Reports for Years Ending December 31, 2011, through December 31, 2021

[Table 7 \(/node/28788/\)](#) presents data on wiretaps requested and authorized each year from 2011 to 2021. Total authorized intercept applications reported by year decreased 47 percent from 4,267 in 2011 to 2,245 in 2021. Most wiretaps have consistently been used for narcotics investigations, which accounted for 55 percent of intercepts authorized in 2011 (2,334 applications) and 51 percent in 2021 (1,135 applications). [Table 9 \(/node/28802/\)](#) presents the total number of arrests and convictions resulting from intercepts terminated in calendar years 2011 through 2021.



Supplementary Reports

Under 18 U.S.C. § 2519(2), prosecuting officials must file supplementary reports on additional court or police activity occurring as a result of wiretaps reported in prior years. Because many wiretap orders are related to large-scale criminal investigations that cross county and state boundaries, supplemental reports are necessary to fulfill reporting requirements. Arrests, trials, and convictions resulting from these interceptions often do not occur within the same year in which the intercepts are first reported. [Table 8 \(/node/28795/\)](#) shows that 3,923 arrests, 624 convictions, and additional costs of \$7,400,056 arose from and were reported for wiretaps completed in previous years. Sixty-two percent of the supplemental reports of additional activity in 2021 involved wiretaps terminated in 2020. Wiretaps concluded in 2020 led to 67 percent of arrests, 23 percent of convictions, and 94 percent of expenditures noted in the supplementary reports.

¹ Reports of wiretaps submitted to the AO using forms WT-2A or WT-2B that passed all of the AO's data quality checks were considered complete data submissions and are included in the *Wiretap Report*. When reports failed the AO's data quality checks and thus were not complete data

submissions, the wiretaps reported were not entered into the AO's database, as the reports raised data quality issues significant enough to interfere with the AO's ability to process the report. Reports of wiretaps that are not complete data submissions are not included in the *Wiretap Report*.

Title	Publication Table Number	Reporting Period	Publication Name	
Jurisdictions with Statutes Authorizing the Interception of Wire, Oral, or Electronic Communications Effective	Wire 1	December 31, 2021	Wiretap	Download (XLSX, 7.52 KB)
Intercept Orders Issued by Judges	Wire 2	December 31, 2021	Wiretap	Download (XLSX, 22.4 KB)
Major Offenses for Which Court-Authorized Intercepts Were Granted	Wire 3	December 31, 2021	Wiretap	Download (XLSX, 16.57 KB)
Interceptions of Wire, Oral, or Electronic Communications	Wire 4	December 31, 2021	Wiretap	Download (XLSX, 16.06 KB)
Average Cost per Order	Wire 5	December 31, 2021	Wiretap	Download (XLSX, 13.81 KB)
Types of Surveillance Used, Arrests, and Convictions for Intercepts Installed	Wire 6	December 31, 2021	Wiretap	Download (XLSX, 14.55 KB)
Authorized Intercepts Granted	Wire 7	December 31, 2021	Wiretap	Download

				(XLSX, 8.15 KB)
Supplementary Data for Intercepts Terminated in Prior Years as Reported	Wire 8	December 31, 2021	Wiretap	Download (XLSX, 11.63 KB)
Arrests and Convictions Resulting from Intercepts Installed	Wire 9	December 31, 2021	Wiretap	Download (XLSX, 8.12 KB)

APPENDIX TABLES

Title	Publication Table Number	Reporting Period	Publication Name	
Intercepts of Wire, Oral, or Electronic Communications Authorized by U.S. District Courts and Terminated	Wire A1	December 31, 2021	Wiretap	Download (XLSX, 339.14 KB)
Intercepts of Wire, Oral, or Electronic Communications Authorized by State Courts and Terminated	Wire B1	December 31, 2021	Wiretap	Download (XLSX, 170.73 KB)