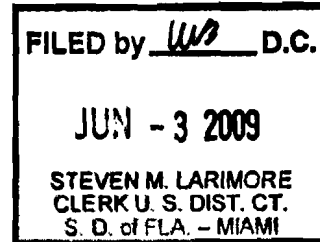


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2009-17

IN RE: UNIFORM PROCEDURES FOR
SEALING RECORDINGS AND EVIDENCE
OBTAINED PURSUANT TO COURT
AUTHORIZED INTERCEPTION OF WIRE,
ORAL, AND ELECTRONIC COMMUNICATIONS



Pursuant to 18 U.S.C. § 2518, statutory procedures are established for the interception of wire, oral, and electronic communications. Subsection 8(a) of that provision provides that “[i]mmediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under his directions.” The statute does not further define, however, the process to be followed for the mechanics of sealing such recordings or other evidentiary matters.

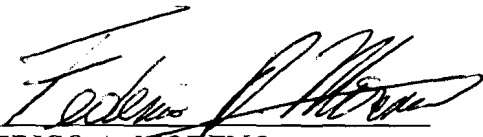
At the expiration of the period of the court order authorizing interception of wire, oral, or electronic communications, the recordings that are the product of that authorization shall be presented to the authorizing Judge for directions on sealing. United States v. Kincaide, 145 F.3d 771, 778 (6th Cir. 1998) (“The statute only requires that the tapes be made available to the judge, and that they be sealed according to his directions.”). Those recordings, often in the form of CD Roms, shall be sealed in an envelope in accordance with the authorizing Judge’s directions.

This Order seeks to provide some uniformity in those procedures to the District’s law enforcement agencies. In addition to any individualized directions regarding sealing from the authorizing District Judges, law enforcement agents conducting investigations or Assistant United States Attorneys overseeing investigations, shall seal, initial, and date the intercepted wire, oral, or electronic communications after making the material available to the authorizing District Judge. District Judges and Magistrate Judges are not required to initial and date the intercepted

communications unless they, in their discretion, find that the “sealing” procedure should include the particular judge’s initials. Accordingly, it is

ORDERED AND ADJUDGED that unless otherwise directed by a District Judge, the foregoing procedures are adopted as the uniform procedures to be followed in this District in the sealing of any form of recordings or other evidentiary matters that are the product of any Court authorized interception of wire, oral and electronic communications of any kind, including but not limited to wire taps, pen registers, trap and trace applications, tracking devices, transponders, and cell site or subscriber information locators.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County Florida, this 3rd day of June, 2009.


FEDERICO A. MORENO
CHIEF UNITED STATES DISTRICT JUDGE

Copies Furnished to:

Hon. Joel Dubina, Chief Judge, Eleventh Circuit
All Southern District and Magistrate Judges
James Gerstenlauer, Circuit Executive
Steven M. Larimore, Court Administrator • Clerk of Court
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