

MINNESOTA JUDICIAL BRANCH
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TO: Secretary of the Senate
Chief Clerk, House of Representatives
Legislative Reference Library

RE: Minn. Stat. §§ 626A.17, subd. 3, 626.085 subd. 5(b), 626A.42, subd. 5(b).
Report to Legislature by the State Court Administrator

Minn. Stat. ch. 626A governs the application for and issuance of warrants that authorize the interception of communications; the installation and use of a pen register; trap and trace; mobile tracking device; electronic communication information; and/or authorize the collection of location information of an electronic device. Minn. Stat. § 626.085 also governs electronic communication information.

Minn. Stat. § 626A.17, subd. 1, requires that within 30 days after the expiration of an order granting or denying an application under chapter 626A or each extension thereof, or the denial of an order approving an interception or the use of a pen register, trap and trace device, or mobile tracking device, the issuing or denying judge shall report to the state court administrator:

- (1) the fact that an order or extension was applied for;
- (2) the kind of order or extension applied for;
- (3) the fact that the order or extension was granted as applied for, was modified, or was denied;
- (4) the period of interceptions or use of a pen register, trap and trace device, or mobile tracking device authorized by the order, and the number and duration of any extensions of the order;
- (5) the offense specified in the order or application, or extension of an order;
- (6) the identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and
- (7) the nature of the facilities from which or the place where communications were to be intercepted or activity under the order was to be carried out.

Minn. Stat. § 626.085 subd. 5(a), requires that within 90 days after the court unseals the search warrant that authorizes the disclosure of electronic communication, the issuing or denying judge shall report to the state court administrator:

- (1) that a warrant was applied for under this section;
- (2) whether the warrant was granted as applied for, was modified, or was denied;
- (3) the period of collection of electronic communication information authorized by the warrant, and the number and duration of any extensions of the warrant;
- (4) the offense specified in the warrant or application or extension of a warrant; and
- (5) the identity of the applying investigative or peace officer and agency making the application and the person authorizing the application.

Minn. Stat. § 626A.42, subd. 5(a), requires that for applications for electronic device location information tracking warrants under section 626A.42, the issuing or denying judge shall report to the state court administrator:

- (1) the fact that a tracking warrant or extension was applied for;
- (2) the fact that the warrant or extension was granted as applied for, was modified, or was denied;
- (3) the period of collection authorized by the warrant, and the number and duration of any extensions of the warrant;
- (4) the offense specified in the warrant or application, or extension of a warrant;
- (5) whether the collection required contemporaneous monitoring of an electronic device's location; and
- (6) the identity of the applying investigative or peace officer and agency making the application and the person authorizing the application.

Minn. Stat. §§ 626A.17, subd. 3, 626.085 subd. 5(b), and 626A.42, subd. 5(b), require the State Court Administrator (SCAO) on or before November 15 of each even-numbered year to file with the legislature a report concerning (1) all warrants and orders authorizing the interception of communications and the use of a pen register, trap and trace device, mobile tracking device, or other electronic or mechanical device, all warrants authorizing the collection of electronic communication information, and all tracking warrants authorizing the collection of location information during the two previous calendar years and (2) all applications that were denied during the two previous calendar years. Each report shall include a summary and analysis of the data. The reports required under sections 626A.17, 626.085 subd. 5(b), and 626A.42 were combined for purposes of this year's report. The required data is presented in Tables 1 – 7 on pages 3 – 6 of this report.

During the reporting period, the majority of warrants/orders reported to SCAO were regarding electronic communication. Warrants regarding and/or authorizing the use of multiple technologies are considered to be governed by all applicable statutes simultaneously. All of the warrants authorizing the installation of pen register and trap and trace devices, and/or the tracking of incoming and outgoing calls and/or texts, as well as the tracking of electronic communication and/or electronic device location information are presumptively sealed under Minn. Stat. § 626A.37, subd. 4. Additionally, as required by section 626A.08, subdivision 2, applications made and warrants issued under chapter 626A are required to be sealed by the judge and may only be disclosed upon a showing of good cause before a judge of the district court.

Table 1. Warrants issued under Minn. Stat. Chapter 626A, by Judicial District, 2020-2022.

District	Total Count
1	125
2	1674
3	233
4	4711
5	78
6	87
7	356
8	71
9	192
10	312
Total	7839

Table 2. Warrants issued under Minn. Stat. Chapter 626A, by kind of warrant/order, 2020-2022.

Kind of Warrant/Order	Total
Pen Register only	24
Trap and Trace only	20
Mobile Tracking Device only	902
Electronic Device Location Information only	496
Pen Register, Trap and Trace	814
Pen Register, Electronic Device Location Information	5
Trap and Trace, Electronic Device Location Information	467
Mobile Tracking Device, Electronic Device Location Information	313
Pen Register, Trap and Trace, Mobile Tracking Device	25
Pen Register, Trap and Trace, Electronic Device Location Information	2232
Pen Register, Trap and Trace, Mobile Tracking Device, Electronic Device Location Information	71
Unspecified to SCAO ¹	38
Electronic Communication	2278
UAV ²	3
Wiretap Interception only	1
Wiretap Interception and additional category	28
Tracking Warrant Generic	38
Tracking Warrant Generic and additional category	58
All Other Combinations	26
Total	7839

¹ Data included in this report was provided to the State Court Administrator’s Office (SCAO) by individual judicial districts. A small number of warrants reported to SCAO did not specify one or more of the required pieces of data.

² UAV data gathered to comply with Minn. Stat. § 626.19 appears in this report as well as the yearly reports that the statute requires.

Table 3. Warrants issued under Minn. Stat. Chapter 626A, by communication mode, 2020-2022.

Communication Mode Tracked	Total Count that lists a particular mode (warrants may list more than one mode)
Phone/Cell Phone	3548
Social Media/Electronic Records	2710
Motor Vehicle/Mobile Tracking	1474
Electronic Device	86
Security System/Surveillance	5
Cell Tower/Station	77
UAV	1
Unspecified to SCAO	97

Table 4. Warrants issued under Minn. Stat. Chapter 626A, by offense specified in the order or application, 2020-2022.

Offense	Total Count that lists a particular offense (warrants may list more than one offense)
Narcotics	2729
Homicide	981
Sex Crime	515
Kidnapping	57
Assault	929
Property	1318
Weapon	847
Fugitive	952
Traffic Violations	54
Car Jacking	9
Violation of Protective Orders	57
Other Offense ³	185
Unspecified to SCAO	67

³ Examples of “Other” offenses include gambling, impersonation, fictitious 911 call, suicide, furnishing minors with alcohol, wildlife violations, surreptitious recording, gangs, public nuisance, violation of emergency powers, obstructing legal process, tracking vulnerable adult, witness tampering, and risk of injury to innocent person.

Table 5. Warrants issued under Minn. Stat. Chapter 626A, by duration specified in the order, 2018-2019.

Order Duration	Total Count
0-30 Days	165
31-60 Days	4757
61-90 Days	538
Greater than 90 Days	12
Historical ⁴	1882
Mix ⁵	267
Unspecified to SCAO	218
Total	7839

Table 6. Warrants issued under Minn. Stat. Chapter 626A, by type of investigative or law enforcement agency making the application, 2018-2019.

Agency	Total Count
County Sheriff	1241
Federal	304
Police	4517
State Agency	815
Task Force	801
Unspecified to SCAO	161
Total	7839

Table 7. Warrants Granted, Denied, or Modified under Minn. Stat. Chapter 626A, 2020-2022.

Granted/Denied/Modified	Total Count
Denied	306
Granted	7374
Modified	147
Not listed in comments	12
Total	7839

⁴ “Historical” indicates that the judge authorized a warrant for electronic communications for a period of time before the judge signed the warrant.

⁵ “Mix” indicates both a “historical” duration and a future duration.