

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
SAN JUAN, P.R.

In the Matter of
HANDLING OF SEALED DOCUMENTS

- O R D E R -

Introduction

The following procedure is applicable to all civil, criminal or miscellaneous cases where the confidentiality or secrecy of any document or material becomes necessary. Doubts about the interpretation to any of its provisions, or situations not contemplated herein, should be brought forthwith to the attention of the Clerk of the Court.

I. General Principles

Any document or material will be considered sealed for the purpose of these proceedings immediately upon the entry of a written or oral order. The actual process of sealing in manila envelopes or in any other manner will be conducted expeditiously and in such a fashion as to avoid exposure of its contents. The documents or material sealed should be placed inside the vault in the Clerk's Office except that during non-working hours it might be kept under the custody of a judge or magistrate until the next working day. The withdrawal or return of any sealed document from the vault shall not be made unless so ordered by the judge or magistrate handling the case or in their absence, by the Chief Judge.

Once a document or material is sealed, no person will open or cause the opening unless expressly ordered to do so. The reproduction,

revealing or dissemination of any information obtained as a result of having participated in a sealing process or having become informed of the same, is prohibited - unless ordered by a judge or magistrate in cases under their jurisdiction. Violation or departures from any provision of these procedures shall be brought forthwith to the attention of the Court.

II. U.S. Magistrate's Jurisdiction

U.S. Magistrates are authorized to order the sealing, unsealing, resealing, reproduction, storage or withdrawal of any document or material in cases dealing with:

- (a) Applications, returns and orders for:
 - (1) search warrants
 - (2) administrative search warrants
 - (3) oral search warrant documents
 - (4) warrants of arrest
 - (5) warrants for electronic tracking devices
 - (6) execution and return of documents and/or inventory on any of the aforesaid situations.
- (b) Criminal complaints
- (c) Physical evidence, as well as any document, pleading or exhibits in civil, criminal or miscellaneous cases.
- (d) Grand Jury returns
- (e) Bail documents
- (f) Pretrial services office reports
- (g) Any other situation not included, but so ordered by the Court.

Under no circumstances a U.S. Magistrate will issue an order to unseal, reproduce or reseal any evidence, application, report, motion or orders in Title III cases (18 U.S.C. 2516, et seq.).

III. Sealed Indictment Procedures

For all sealed indictments, the U.S. Attorney's Office will provide an original quality copy previously edited ("masked") The Clerical Assistant or Courtroom Deputy will make all other necessary copies from this edited ("masked") copy.

(a) Procedure for the sealing of Grand Jury returns

After the procedures in the courtroom are completed, the Clerical Assistant or Courtroom Deputy will complete all administrative procedures at her duty station; to wit:

(1) Prepare Warrant(s) of Arrest and Commitment Order(s) using original, non-edited ("unmasked") indictment and deliver same in sealed manila envelope to the U.S. Attorney, his designated assistant or as directed by a judge or magistrate. This delivery shall be made at the Clerk's Office, if possible the same day of the proceedings.

(2) Prepare the minutes of proceedings reflecting the request for the sealing as well as any instruction or order entered by the Court for the handling of the documents.

(3) Place inside a manila envelope the indictment with all supporting sealed documents. The caption of the case is to be placed on the front side of the envelope and

the word "Sealed" is to be stamped on both sides. The envelope shall be delivered by the Clerical Assistant or Courtroom Deputy to the Clerk or his designated Deputy for the actual sealing. The date, hour and initials of the Clerk shall appear in the back of the sealed envelope. Immediately thereafter, the envelope shall be placed in the vault until further orders.

If a sealed envelope, properly removed from the Clerk's vault, is returned for continued sealed filing, the aforesaid sealing procedures shall be observed. Under no circumstances shall a sealed case be kept at the Clerical Assistant or Courtroom Deputy's desk or work area during non-working hours.

(4) The Clerk shall insure that a docket form is prepared and updated as required. Said docket shall contain only the bare minimum information, consistent with this ORDER and the ORDERS of the judge or magistrate, that would allow the proper accountability and follow-up of the case.

(5) In multi-defendants indictments the case will be automatically unsealed unless otherwise ordered by the judge or magistrate.

IV. Sealed Cases Procedures

The Clerk, the Chief Deputy, Operations Deputy or Administrative Deputy shall be the only persons authorized to receive these type of cases.

- (a) The filing of a sealed case requires that the same arrive at the Clerk's Office in a manila envelope, indicating on its outside if it is a Miscellaneous, Civil Ordinary or an Information case. Also, said envelope will be accompanied by an unsealed Motion requesting that the enclosed case be sealed in accordance with the corresponding law or regulation. When possible, the heading indicating the parties should be briefly identified; as for example:

United States of America

v.

(SEALED)

or

In the Matter of an Application by
the United States of America for....

- (b) The Clerk shall then proceed to file the case, assign a number and attach the docket form to it. Thereafter the case shall be assigned to a judge and the corresponding docket clerk advised that a sealed case has been added to her docket.
- (c) The Clerk shall insure that a docket form is prepared and updated as required. Said docket shall contain only the bare minimum information, consistent with this ORDER and the ORDERS of the judge or magistrate, that would allow the proper accountability and follow-up of the case.

- (d) The case, with a "SPECIAL" transmittal slip, will then be personally delivered to the assigned judge or magistrate for his/her attention.

Once a judicial action is taken, the judge or magistrate will notify the Clerk's Office that the case is ready for further processing. The Clerk's Office will in turn notify the Chief of the Criminal Division, U.S. Attorney's Office or his designated Assistant (AUSA), and request him to accompany the Clerk to the chambers of the respective judge or magistrate to pick up the case.

In the presence of the AUSA, the judge or magistrate shall deliver the case to the Clerk in the original envelope, without resealing, indicating which documents require filing, distribution or other action.

- (e) The AUSA and the Clerk shall then return to the Clerk's Office where the necessary documents shall be filed, reproduced, (certified if necessary and upon request of the AUSA) and delivered to the AUSA.

After completing these proceedings, the Clerk shall place all documents in its manila envelope, reseal it with tape, placing his or her initials and date and hour on the back side of the envelope

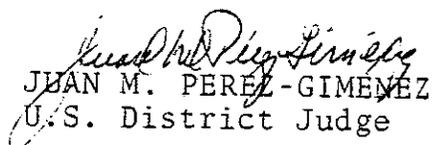
next to the sealing flaps, in the presence of the AUSA. The envelope thus sealed shall be placed in the Clerk's vault for safekeeping until further order.

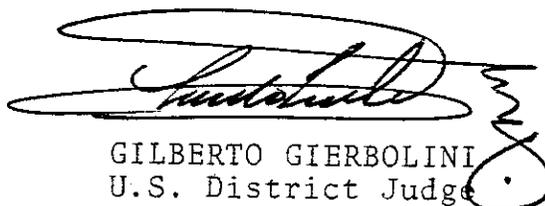
- (f) If a sealed envelope, properly removed from the Clerk's vault is returned for continued sealed filing, the aforesaid sealing procedures shall be observed.

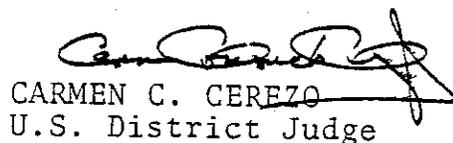
IT IS SO ORDERED.

San Juan, Puerto Rico, October 17, 1983.


JUAN R. TORRUELLA
Chief Judge, U.S. District Court

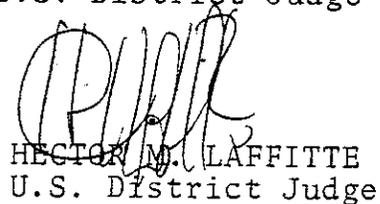

JUAN M. PEREZ-GIMENEZ
U.S. District Judge


GILBERTO GIERBOLINI
U.S. District Judge


CARMEN C. CEREZO
U.S. District Judge

JAIME PIERAS, JR.
U.S. District Judge


RAYMOND L. ACOSTA
U.S. District Judge


HECTOR M. LAFFITTE
U.S. District Judge