

Title III
18 U.S.C. § 2501 *et seq.*

I. All Title III Materials Remain Under Seal

- A. when Govt. terminates a Title III ELSUR investigation, it **must maintain under seal all of the Title III applications that were filed in support of the ELSUR**, 18 U.S.C. § 2518(8)(b).
- B. purpose
 - 1. ensures the integrity of the materials
 - 2. protects the privacy rights of those implicated in the investigation

II. Unsealing Title III Materials

- A. applications may be unsealed **only pursuant to order of court**
 - 1. need a showing of good cause under 18 U.S.C. § 2518(8)(b)
 - 2. or in the interest of justice under 18 U.S.C. § 2518(8)(d)
- B. when defense attorney or other person seeks to obtain Title III materials AND the privacy interests of uncharged persons are involved, **the Govt. attorney should seek a protective order** pursuant to Rule 16(d)(1) of the Fed. R. Crim. P.