

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:
DISPOSITION OF PASSPORTS AND TRAVEL
DOCUMENTS SURRENDERED AS A CONDITION
OF PRETRIAL RELEASE

**ADMINISTRATIVE ORDER
NO. 2023-15**

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Whereas, the authority to impose upon a defendant the surrender of travel documents as a condition of pretrial release is governed by 18 U.S.C. § 3142(c)(1)(B)(xiv); and

Whereas, the disposition of surrendered passports is governed by the *Guide to Judiciary Policy, Volume 8, Part C, Chapter 5*; it is hereby

ORDERED that passports and travel documents surrendered as a condition of pretrial release or otherwise surrendered pursuant to the investigation and prosecution of a matter pending before this Court shall be disposed of by Pretrial Services as follows:

- (1) Passports and travel documents will be returned to all defendants whose case was disposed of via dismissal or acquittal;
- (2) In all other cases, Pretrial Services shall hold all surrendered passports and/or travel documents for the shorter of:
 - a. Ninety (90) days following termination of the pretrial release order, or
 - b. Until reclaimed;
- (3) To reclaim a surrendered passport or travel document pursuant to (1) above, a defendant or their designated representative shall file a request with the Court asking the Court to issue an order that the passport or travel document be returned, or, where applicable, that such be transferred to the United States Probation Office;
- (4) After the ninety-day period has elapsed, Pretrial Services shall transfer all unclaimed passports and/or travel documents to the U.S. Department of State, the issuing agency, or the U.S. Department of Homeland Security, Immigration, and Customs Enforcement, as applicable, in accordance with the *Guide to Judiciary Policy, Volume 8, Part C, Chapter 5, Section 535.45.20*;
- (5) Prior to sentencing, Pretrial Services shall ensure that defendants and their counsel are provided with notice of how a defendant's passport or travel documents will be disposed of and the ninety-day period during which they may request that the aforementioned documents be returned;
- (6) A defendant or their representative's request that the Court issue an order to return a passport or other travel document shall be entered into the chronological record and the

U.S. Attorney's Office shall be provided a reasonable opportunity to respond to the request;

- (7) No passport held as a condition of bail may be used as evidence by or disclosed to the prosecution without the permission of the Court;
- (8) Pretrial Services shall otherwise comply with the procedures set forth in the *Guide to Judiciary Policy, Volume 8, Part C, Chapter 5, Section 535.45.20*;
- (9) Should counsel in a specific case wish to seek a modification of this policy based on individual circumstances, they may make such a request to the assigned Judge, who shall retain discretion to set individualized procedures for the disposition of travel documents surrendered by a defendant as a condition of pretrial release.

Dated: May 8, 2023
Brooklyn, New York

SO ORDERED:

s/ MKB

MARGO K. BRODIE
Chief United States District Judge