

**Comparison of electronic surveillance under Title III and FISA**

	<b><u>TITLE III</u></b>	<b><u>FISA</u></b>
<b>Application must include:</b>	<p>- “Full and complete statement” of the facts and circumstances relied upon to justify belief that order should be issued, including:</p> <ul style="list-style-type: none"> <li>• details of particular offense</li> <li>• description and location of facilities to be surveilled</li> <li>• description of type of communication to be intercepted</li> <li>• identity of the person committing the offense, if known</li> </ul> <p>- “Full and complete statement” that other investigative procedures have been tried and failed or why appear unlikely to succeed if tried</p>	<p>- Statement of facts and circumstances to justify belief that:</p> <ul style="list-style-type: none"> <li>• target a foreign power or agent thereof; and</li> <li>• each of the facilities at which surveillance directed is being used or about to be used by foreign power or agent thereof</li> </ul> <p>- Statement of proposed minimization procedures</p> <p>- Certification that <b>significant purpose</b> is to obtain foreign intelligence information</p> <p>- Certification, and statement of basis therefore, that information cannot reasonably be obtained by normal investigative techniques</p>
<b>Order granted if judge finds:</b>	<p>- <b>Probable cause to believe that target has committed, is committing, or is about to commit an enumerated crime</b></p> <p>- Probable cause to believe that communications concerning the offense will be obtained by surveillance</p> <p>- Probable cause to believe that facilities to be surveilled are being used in connection with the offense</p> <p>- That normal investigative techniques have been tried and failed or appear unlikely to succeed if tried</p>	<p>- <b>Probable cause to believe that target is a foreign power or agent thereof</b></p> <p>- Probable cause to believe that each of the facilities at which surveillance directed is being used or about to be used by foreign power or agent thereof</p> <p>- Proposed minimization procedures meet statutory requirements</p>
<b>Duration</b>	Up to 30 days	Up to 90 days, 120 days, or one year, depending on nature of target
<b>Notice</b>	Yes	No, unless communications introduced in criminal proceeding
<b>Discovery</b>	Yes	No, so long as government moves for <i>ex parte</i> and <i>in camera</i> consideration