**STATE of CALIFORNIA, COUNTY of LOS ANGELES**

**TRACKING DEVICE OR PROCESS**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, am the affiant/declarant in this matter. I declare, under penalty of perjury, that all information in this document is true, to the best of my knowledge. Unless otherwise indicated, information obtained from any other identified individual, or entity, is believed by me to be true. Based upon this information, I believe that I have probable cause to search the person, location or entity listed herein, and seize the items listed herein, pursuant to Penal Code section 1524 (a)(12). I further swear and attest that nothing in this application pertains to an investigation into a “prohibited violation” as that term is defined in Penal Code section 629.51. Wherefore, Affiant requests this Search Warrant be issued, and that the Court grant the following requests:

**EC 1040 SEALING ORDER** [ ]  **YES** [ ]  **NO NON-DISCLOSURE ORDER:** [ ]  **YES** [ ]  **NO**

**EC 1041 (HOBBS) SEALING ORDER** [ ]  **YES** [ ]  **NO RETURN EXTENSION ORDER:** [ ]  **YES** [ ]  **NO**

**NIGHT SERVICE SEARCH ORDER** [ ]  **YES** [ ]  **NO PC 1546.2(b) DELAY OF NOTICE ORDER** [ ]  **YES** [ ]  **NO**

 **Seal all documents until Gov’t Code 7923.615 or Penal Code 1546.2 disclosure/notice is required.** [ ]  **YES** [ ]  **NO**

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(Affiant/Declarant Signature) (Date) (Violation(s) suspected)

SEARCH WARRANT

The People of the State of California to any Law Enforcement Officer in the County of Los Angeles, designated as a PEACE OFFICER by PC 830 et seq., and who has qualified pursuant to PC 832: Proof by affidavit, submitted to this Magistrate, that the information to be received from the use of a tracking device or process would yield evidence that a felony, or other offense listed in 1524 (a)(12), has been committed or is being committed, or tends to show that a particular person has committed, or is committing such an offense, or will assist in locating an individual who has committed or is committing such an offense:

**You are COMMANDED to SEARCH:** GPS latitude and longitude data signals/cell tower location information transmitted to or from the Target Phone(s) including make and model, manufacturer identifiers and IP connection logs from Target Phone’s Service Provider, and/or recover location data from a Law Enforcement-installed tracking device or technique:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is believed to be the Service Provider on the Target Phone(s); however, this Order applies to any unnamed “Service Provider” (as that term is defined in PC 1546(j)) for any Target Phone described herein. The term “Target Phone(s)” includes any subsequently changed telephone number accessed through the same handset identifiers, and/or any subsequently changed handset identifiers assigned to the same telephone number with the same subscriber.

**For the FOLLOWING PROPERTY**: Location information including tracking, in real-time, the movement of one or more Target Phones, which includes monitoring the GPS latitude and longitude location data/cell tower location information from the Target Phone(s) (see attached order) and/or GPS location data from installed tracking device or technique.

**AND TO SEIZE** and retain the property and/or data in your custody as provided in Penal Code section 1536.

This Search Warrant, which incorporates by reference, all included/attached documents, was submitted to me and I find Probable Cause to issue, and I do issue, this Search Warrant, and I make the additional orders listed below. If not set forth below, the time and date of issuance shall be the timestamp for the document as posted to the online portal or emailed to the applicant.

All orders listed on “Additional Orders to Service Providers” and “Additional Orders to Law Enforcement Agency” contained herein.

Location data gathered shall not exceed 30 days from the date this warrant is issued.

Any information obtained through the execution of this warrant, that is unrelated to the objective of the warrant, shall be sealed and shall not be subject to further review, use, or disclosure except as provided by PC 1546.1 (d) (2).

This warrant shall be executed in a manner meeting the requirements specified in 1534 (b).

All references to PC or EC refer to the California Penal Code or California Evidence Code, respectively.

If “YES” is checked below, I also GRANT AND MAKE the ORDERS as set forth fully on the ADDITIONAL ORDERS pages.

**EC 1040 SEALING ORDERED:** [ ]  **YES NON-DISCLOSURE ORDERED:** [ ]  **YES**

**EC 1041 (HOBBS) SEALING ORDERED:** [ ]  **YES RETURN EXTENSION ORDERED:** [ ]  **YES**

**NIGHT SEARCH AUTHORIZED:** [ ]  **YES PC 1546.2(b) NOTICE DELAYED:** [ ]  **YES**

[ ]  **All information in this document is ordered SEALED until Government Code 7923.615 or PC 1546.2 disclosure is required**.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Issue Date and Time) (Signature and printed name of Magistrate)

**Judge of the Superior Court, Los Angeles County**

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 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF LOS ANGELES**

IN THE MATTER OF THE APPLICATION ) **Case: Case or DR # or other identifying #**

FOR AN ORDER AUTHORIZING THE )

DISCLOSURE OF INFORMATION FROM ) **ADDITIONAL ORDERS**

A TRACKING DEVICE OR PROCESS ) **TO SERVICE PROVIDERS**

INCLUDING LATITUDE, LONGITUDE AND )

GPS DATA FROM (A) CELLULAR PHONE(S))

1. **Service Provider** for the Target Phone(s) shall disclose at such intervals and times as directed by the Peace Officer executing this warrant, latitude and longitude data (including but not limited to real-time, Global Positioning System data, cell site data, Timing Advance Data, etc.) which will establish the approximate position of the Target Phone(s), and shall furnish all information, facilities, and technical assistance necessary to accomplish the disclosure unobtrusively.

2. The disclosure of the requested data shall begin as soon as practical within 24 hours of notice of this warrant and shall terminate no longer than 30 days from the issuance of the order, unless an extension is granted. Service Provider is ordered to verify the authenticity of the information it produces by an affidavit that complies with California Evidence Code 1561.

3. The disclosure of the requested information shall occur only when the Target Phone(s) [is] [are] in California, whether located in, or outside, of Los Angeles County, and the disclosure of information shall occur even if the Target Telephone[s] [is] [are] located in private areas not open to public view.

4. **Service Provider** shall execute the court’s order as soon as practicable after it is signed. If a copy of the order is given to any telephone company, the copy may be redacted to exclude the Target Subjects and a description of the offenses under investigation.

5. **Service Provider** and its agents and employees shall not disclose to, or cause a disclosure, of this court’s order or the request for information by the law enforcement agencies involved in the investigation or the existence of this investigation to any person other than any agents and employees who require said information to accomplish the services herein requested. **Service Provider** and its agents and employees are ordered not to make such disclosure to the lessee of the telephone or to telephone subscribers in accordance with any order to delay notification pursuant to 1546.2 (b)(1).

6. Only information that can be used to determine the location of the Target Phone(s) is authorized by this warrant. Contents of communications, or any other prohibited wire or electronic information which would require a Chapter 1.4 (wiretap) application (Penal Code section 629.50 et seq) is not authorized by this warrant. No person is prohibited or excused from providing such information pursuant to any other court order.

**ADDITIONAL ORDERS**

**TO LAW ENFORCEMENT AGENCY**

The Peace Officer executing this warrant shall file a Return to the Los Angeles Superior Court within 10 calendar days after the use of the Target Phone(s) as tracking devices has ended, as required by law, subject to any order for delayed notice.

Law enforcement officers installing a device may install and use the device only in California.

Execution of this order shall be within 10 days following the issuance of this order.

Any information unrelated to the objective of the warrant is ordered sealed and shall not be subject to further review, use, or disclosure without a court order or as required by Penal Code 1546.1 (d) (2). Such information will be kept in the custody of the Peace Officer executing this warrant until further notice or order of the court.

The Law Enforcement Agency executing this warrantshall reimburse the applicable service provider for their reasonable expenses incurred due to the monitoring the Target Phone(s).

If checked above, the Law Enforcement Agency is permitted to delay notification of service of the warrant to any person, including the person who was tracked or the Target Phone(s) tracked, for a period of 90 days after the use of the Target Phone(s) as [a] tracking device[s] has ended, and may, upon a showing of good cause, petition this court for a further delay of notification of service of this warrant.

If checked above, night service is authorized. Service providers may be served at any time, day or night, via FAX, email, online web portals, or other electronic communication methods.

If checked above, the Law Enforcement Agency is authorized to temporarily withhold all information contained within this application and/or related to this investigation until disclosure is required by Government Code section 7923.615, PC 1546.2 or the arrest of the suspect(s), whichever is sooner.

In the event that the prosecutorial agency, with jurisdiction for the offense(s) related to this warrant, determines that no charges will be filed, or the statute of limitations has expired without charges being filed, or any case upon which the information seized was related to, has been finally adjudicated and all appeals has been concluded, or the time for filing appeals has expired without an appeal being filed, the data shall be destroyed unless there is a pending discovery request or order from the court to retain it.

Based on the information in this application and my training and experience, I believe that the location tracking information to be received from the Target Phone(s) will tend to prove that a felony, or one or more of the misdemeanors listed in 1524(a)(12), has been committed or is being committed, or tends to show that a particular person has committed such offense, or will assist in locating an individual who has committed or is committing any felony, or a misdemeanor listed in 1524(a)(12), as described above.

I am requesting authorization to receive location tracking information including, but not limited to real-time longitude and latitude (including Global Positioning System and cellular tower triangulation data) and/or cell tower location information from the **Service Provider** for the Target Phone(s).

I have been advised that the **Service Provider**, for the Target Telephone, has the technical means to generate and record latitude and longitude data and/or cell tower location information with respect to a specified cellular telephone by measuring its position relative to other known reference points. This data is the product of techniques that this service provider developed to comply with a federal mandate to supply emergency responders with enhanced 911 (“E-911”) service.

This data may be utilized with other technology such as a tracking device and/or cell site simulators in order to locate the specified cellular telephone handset. A tracking device means an electronic or mechanical device or software that permits the tracking of movement of a person or object in real-time. The Service Provider will use this process and Law Enforcement may utilize their own equipment to locate the specified cellular telephone handset. A cell-site simulator is a device that acts as a simulated cell tower to acquire the location information from a targeted cellular device by way of its unique identifiers, excluding device communications or content.

Non-targeted cellular devices on the same provider network as the target device that are in close proximity to the simulator are acknowledged by the simulator without providing location. Non-targeted devices may experience a momentary disruption in service, but the operation of the non-targeted device will not be restricted and no content on any device will be available. Law enforcement is incapable of retaining any numerical or other information not associated with the target cellular device.

Law enforcement will not intentionally use any non-target information, except to identify and distinguish the target device from other devices. Once law enforcement has identified the Target Cellular Device, it will delete all information concerning non-targeted cellular devices.

Absent further order of the court, law enforcement will make no investigative use of information concerning non-targeted cellular devices other than distinguishing the Target Cellular Device from all other devices.

When directed pursuant to a court order, **the Service Provider** will utilize the above methods to provide a designated law enforcement agency with periodically updated latitude and longitude data and/or cell tower location information with respect to the Target Phone(s). In order to acquire each update, the Target Phone(s) must be powered on and the service provider must send a signal to the Target Phone(s) that results in it transmitting a response to the provider’s network.

Where, as here, latitude and longitude data and/or cell tower location information is to be generated at the request of law enforcement request, the carrier sends its triggering signal to the Target Phone(s) unobtrusively, without alerting the user of that device and without affecting the use of the device.

I believe that the tracking information, including but not limited to, latitude and longitude data and/or cell tower location information, likely to be received concerning the location of the Target Phone(s) will constitute or yield evidence that tends to show a felony or other criminal offense listed in PC 1524 (a)(12) has been committed or is being committed, or that a particular person has committed or is committing such an offense or will assist in locating an individual who has committed or is committing such an offense, occurring in Los Angeles County, and will aid law enforcement in conducting surveillance and/or locating the subject(s) in possession of the Target Phone(s).

**NON-DISCLOSURE/DELAYED NOTICE**

Your affiant is aware that Penal Code 1546.2 mandates that the Law Enforcement agency serving this warrant must notify the target of the warrant contemporaneously with the service of the warrant unless an order delaying notification is granted. An order is requested, pursuant to the delayed notice provisions of Penal Code 1546.2(b), delaying any notification to the target/party for a period of 90 days. Such an order is justified because providing prior notice to the Target/Party in this matter, would lead to an adverse result which may result in the following:

 [ ] endangering the life or physical safety of an individual;

 [ ] flight from prosecution or destruction of, or tampering with, evidence;

 [ ] intimidation of potential witnesses;

 [ ] seriously jeopardize an investigation or unduly delay a trial.

Furthermore, your Affiant requests that the service provider be ordered not disclose the existence of the warrant to any person for a period of 90 days, or further order from the Court.

**RETURN EXTENSION**

I am informed and believe that it takes telecommunications companies and internet service providers considerable time beyond the statutory, 10-day, search warrant return period to search for, compile, and provide the materials sought in this search warrant. Therefore, your affiant requests permission to file the Return within 10 days from the date that all materials are received from these companies.

**NIGHT SERVICE**

Your Affiant requests night service be authorized so service providers may be served after hours via electronic transmission due to the fact I believe the service provider has Law Enforcement Compliance Analysts on duty 24 hours a day, 7 days a week to process the requests and no law enforcement personnel would physically enter a service provider’s location. Night service would also be necessary for law enforcement-installed tracking devices to preserve the integrity of the investigation.

**SEALING ORDER BASED ON PRIVILEGES SET FORTH IN EVIDENCE CODE 1040/1041**

Your affiant requests that the Court accept my agency’s claim of privilege as noted below and order that Page \_\_\_\_ Line \_\_\_\_\_ through Page \_\_\_\_ Line \_\_\_\_\_\_ be sealed, and that any Return filed for this warrant that tends to expose any information subject to this claim, be sealed. I make this claim based on:

Evidence Code [ ]  **1040:** It is “official information” acquired in confidence, it has not been released to the public, and disclosure of the information is against the public interest because the necessity for preserving the confidentiality outweighs the necessity for disclosure, as explained in my statement of probable cause.

Evidence Code [ ]  **1041 (*Hobbs*):** The information will identify or tend to identify a confidential informant.

**INTEGRITY OF AN INVESTIGATION**

Information gathered in an investigation often needs to be temporarily withheld from the public to protect against false confessions, avoid flight from prosecution or creation of false evidence or alibis, and protect the safety of potential witnesses. Therefore, in addition to any other order to seal, I request that this entire document and the Return, be temporarily sealed and not made public until disclosure is required by Government Code section 7923.615 or Penal Code section 1546.2.

**EXPERTISE**

Enter your expertise here

**STATEMENT OF PROBABLE CAUSE**

This affidavit is made in support of an order authorizing the disclosure of latitude and longitude data (Global Positioning System and/or cellular tower triangulation data), cell tower location information, including real-time location information, at such intervals and times as the government may request, and furnishing all information, facilities, and technical assistance necessary to accomplish said disclosure unobtrusively, which will establish the approximate position of the following Target Phone(s).

**Target Phone(s) as set forth herein**Click or tap here to enter text.

The facts set forth in this declaration are based upon my own personal observations, my training and experience, and/or information obtained from other law enforcement officers, lay witnesses or confidential sources. The facts stated in this application do not include all information I have regarding this case. My statement of Probable Cause is limited to the information that I believe is relevant to the justification for the issuance of a search warrant.

Type your Probable Cause, why disclosure of phone location data is necessary for your investigation, [AND] who provided you with the Target Number(s)