SEARCH WARRANT APPLICATION and AFFIDAVIT

**TIMING ADVANCE AREA SEARCH – STAGE ONE**

I, Affiant’s Name am the affiant in this matter. I declare, under penalty of perjury, that all information in this application 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 apply for this search warrant because I believe that I have probable cause to search the person, location, entity or thing listed herein, and seize the items listed herein, pursuant to Penal Code section 1524, as indicated below, and I further swear and attest that nothing sought in this application pertains to an investigation into a “prohibited violation” as that term is defined in Penal Code section 629.51.

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| [ ] The property was stolen or embezzled. [1524 (a)(1)] |
| [ ]  The property or things were used as the means of committing a felony. [1524 (a)(2)] |
| [ ]  The property or things to be seized are in the possession of any person with the intent to use them as a means of committing a public offense, or in the possession of another to whom that person may have delivered them for the purpose of concealing them or preventing them from being discovered. [1524 (a)(3)] |
| [ ]  The property or things to be seized consist of an item or constitute evidence that tends to show a felony has been committed or tends to show that a particular person has committed a felony. [1524 (a)(4)] |
| [ ]  The property or things to be seized consist of evidence that tends to show that a violation of PC 311.3 or 311.11 has occurred or is occurring. [1524 (a)(5)] |
| [ ]  There is a warrant to arrest the person. [1524 (a)(6)] |
| [ ]  Enter additional info here. |

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| I also request the following orders based on the information contained herein:

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| [ ]  I request night service because this warrant will be served electronically, and no structures will be entered. |
| [ ]  I request that the information contained within the section identified as “Sealed Portion” and/or contained within Page Line through Page Line to be SEALED pursuant to Evidence Code Section [ ] 1041 (*Hobbs*) because the information would identify or tend to identify the confidential informant(s) and/or pursuant to Evidence Code section [ ] 1040 as “official information” based on the information contained within Page Line through Page Line  |
| [ ]  To preserve the integrity of the investigation, I request that all information in this Application, Warrant and the Return be SEALED until disclosure is required by Government Code 7923.615 or the arrest of the suspect(s), whichever is sooner. |
| [ ]  I request that the Service Provider, and employees thereof, be ordered not to disclose any information about this search warrant to the subscriber, or any other person and to delay other required notification to the subscriber for 90 days due to the information contained within Page Line through Page Line  |
| [ ]  I request delayed PC 1546.2 notification for the same reasons stated for delayed notification by the Service Provider. |
| [ ]  I request assistance of other persons, as provided for by PC 1530. |
| [ ]  I request Immediate Compliance based on the information contained within Page Line through Page Line through Page Line  |
| [ ]  I request that the Return be Delayed until 10 days after receipt of the information because it typically takes the companies involved a significant amount of time to research and provide the requested information. |
| [ ]  Seal Page 4 & 6 pursuant to Evidence Code 1040 |
| [ ]  I have the following requests:  |

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| Click or tap here to enter text. |  | Date |  | Enter Violations |
| (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 the affidavit contained within the incorporated application; that there is Probable Cause to believe that the items described herein may be found at the location set forth herein, I find that it is seizable pursuant to PC 1524, and THEREFORE:

**YOU ARE COMMANDED TO SEARCH** the location, person, entity, or thing as set forth herein, for the property, data or things as set forth herein, and to SEIZE those things, and retain those things in your custody, subject to further orders of the court as set forth 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 references to “PC” or “Evid Code” refer to the California Penal Code or California Evidence Code, respectively)

“Service Provider(s)” [as that term is described in PC 1546 (j)] includes all cellphone carriers, websites, social media sites, email service providers, remote computing services, and all other entities providing electronic communications or electronic storage.

Service Provider shall provide the items listed herein as “Item to be searched/seized” and verify the authenticity of any electronic information it produces pursuant to Penal Code 1546.1(d)(3).

Pursuant to Penal Code sections 1524.3 (c) and 1546.1 (d)(2), any information obtained through the execution of this warrant that is unrelated to its objective shall be sealed and shall not be subject to further review, use, or disclosure except pursuant to a court order or to comply with discovery as required by PC 1054.1 and 1054.7.

If the Peace Officer executing the warrant is present, including virtually or online, and is being **assisted** by other persons, as provided by **PC 1530**, the service provider must then provide the information sought in this warrant to the assisting agency or person(s).

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| I also GRANT the following check-marked COURT ORDERS. Any order that is not checked is denied at this time. |
|  “Sealed Portion” is ordered sealed per [ ]  Evid Code 1040 and/or [ ]  Evid Code 1041 (Hobbs) | [ ]  All information in this document is ordered SEALED until Gov’t Code 7923.615 disclosure is required. |
| [ ]  Warrant may be served at any time, day or night.  | [ ]  Seal Page 4 & 6 pursuant to Evidence Code 1040 |
| [ ]  The Service Provider and employees shall NOT notify the subscriber or disclose any information about this warrant to the subscriber or any other person, other than to those herein authorized, for 90 days. | [ ]  Peace Officers executing this warrant may delay PC 1546.2 notification for 90 days.  |
| [ ]  Immediate Compliance is required | [ ]  Return shall be within 10 days of receipt of data or information |

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| Date & Time Signature & Printed Name |

Judge of the Superior Court of Los Angeles County

**PENAL CODE 1546.1 (d)(2)**

Investigating officers and any assisting personnel, acting under the direction of the investigating officers, will access all data to determine if the data contains the items as described herein. Those items that are within the scope of this warrant may be copied and retained by investigating officers. Items that are not within the scope of this warrant will be sealed and retained by the investigating officers pending any future court order or to comply with discovery requirements.

**SCOPE OF SEARCH**

This warrant seeks to utilize historical location data to identify the individuals responsible for the crime(s) described in the Statement of Probable Cause. By discovering the devices interacting with the cellular networks near the crime scene, I expect to be able to identify possible suspects involved in the crime.

**SMARTPHONE PREVALENCE**

In recent years, smartphones have been almost universally adopted by the American public, and as such it is rare to find a person who does not have their smartphone readily accessible. As of 2021, according to a Pew Research survey, 85% of Americans possessed a smartphone. As such, a high probability exists that the suspect(s) in this case were in possession of smartphones.

**STORED HISTORICAL LOCATION DATA**

Anyone who owns a smartphone has network interactions with cell phone towers which generates location information. As such, service providers have access to information as to the location of their subscribers based on the cellphone transmitting to cell towers. Although the Service Provider can translate the IMEI and/or other numeric or alphanumeric identifier to a specific subscriber, this warrant does not seek subscriber identification. The purpose of this warrant is to locate unique cellphone interactions with cell towers in areas that are closely connected to the criminal conduct in this case.

**DELAY OF SEARCH WARRANT RETURN**

It has been my experience 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, I may request permission to return this search warrant within 10 days from the date that all materials are received from these companies.

**NON-DISCLOSURE AND DELAY OF NOTIFICATION**

It is my experience that notification to affected and/or targeted parties of the existence of a search warrant and/or on-going police investigation affords individuals an opportunity and/or may cause them to destroy or delete evidence, change patterns of behavior, notify co-conspirators, and/or flee from apprehension and prosecution. Notification can jeopardize an investigation and hamper the efforts of law enforcement to seize evidence and/or individuals in a timely manner. I, therefore, request that the Service Provider be ordered not to disclose to the subscriber, or any other person except those necessary to comply with this search warrant, the existence of this search warrant or investigation, and to also be ordered to delay any other required notification for 90 days. I also request that any government agency which is required to provide notification, be allowed to delay such notification for 90 days.

**NIGHT SERVICE**

I request that night service be authorized allowing service of the Search Warrant to Service Provider’s Subpoena Compliance at any time, day or night, because, based on my training and experience, I know that most Service Providers have Law Enforcement Compliance Analysts on duty 24 hours a day, 7 days a week to process requests. This Search Warrant will be sent to the telecommunication companies via e-mail, FAX, an online portal, or other electronic means. Service of this warrant will not involve law enforcement making a physical entry into a business or other structure.

**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, if checked, I request that this 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.

**SERVICE PROVIDER, LOCATION, PERSON, ENTITY OR THING TO BE SEARCHED**

[Identify the Service Provider, if known, or simply state: “Service Provider identified in the Statement of Probable Cause”]

**FOR THE FOLLOWING PROPERTY:**

* *For timing advance area searches, identify a specific point and list the exact radius from the center of the circle. The area should be wide enough to gather the needed information but narrow enough to exclude data from as many uninvolved individuals as possible.*
* *Identify the location by address and latitude and longitude.*
* *The date and time requested must in local time and utc time.*
* *Repeat the same process for each Target Area sought*

**INITIAL SEARCH PARAMETERS**

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **The COMMAND to Search is directed to:**Service Provider contact information Timing Advance Area Search Records pertaining to the following: Identifying information according to the Initial Search Parameters described below for Service Provider devices that reported a location within the geographic region bounded by the following coordinates, dates, and times:*(To add additional locations, click on the end of the last line of coordinates, then click the  symbol that appears)*

|  |  |
| --- | --- |
| **Target Area #** | 1 |
| **Start Date & Time** | Date Time |
| **End Date & Time** | Date Time |
| **The Target Area described below is in the general area of:** | INSERT ADDRESS |
| **Target Coordinates:** | Enter Coordinates |

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**DATA SOUGHT**

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| Device identifying information (without subscriber information) for devices that registered location data within the geographic region(s) defined by the specified coordinates outlined in the Initial Search Parameters. |

**PROCEDURE TO BE FOLLOWED**

Service Provider shall provide responsive data based on the Initial Search Parameters (as described herein), and:

1. For each location point recorded within the Initial Search Parameters, Service Provider shall produce an anonymous (i.e. without identifying the specific subscriber) list specifying the corresponding unique Device IDs of all location data, whether derived from cell tower events, Global Positioning System (GPS) data, Bluetooth beacons, and Wi-Fi location, including the latitudinal and longitudinal coordinates, estimated radius, reported distance from the tower, and the dates and times of all location recordings (with captured time zone), data source and device type (platform), during the date and time period(s) associated with specific device IDs; (the “Anonymous List”).
2. These records should include records about communications and cellular device interactions with the network that were initiated before or terminated after the timeframe(s) identified above if some part of the communication occurred during the relevant timeframe(s) listed in above.
3. A notarized Business Records Affidavit for the Service Provider case assigned to this warrant.
4. Name, employee number, and contact information for Service Provider employee who conducted the digital searches/compliance with this order.

*The wording used in this document is intended to prevent confusion or an over-reliance on company-specific terms. Technology continues to evolve and with it, technical terms change. If any reference in this warrant is to a technology which has become obsolete or has otherwise been replaced by a more efficient technology, then the orders in this warrant apply to that new technology by whatever name used, with the same force and effect as if the new technology was specifically named.*

**CONFIDENTIAL INVESTIGATIVE TECHNIQUE**

**GEOFENCE PRODUCTION PROTOCOL/ANALYSIS PROCESS**

Suspects involved in criminal activity will typically use cellular phones to communicate with accomplices and others. I am also aware that cellphones have an anonymous string of numbers and/or letters that are unique to a particular device, and these Device IDs are transmitted to cell towers, to facilitate electronic communications.

Based on the information in this application, I think it is reasonable to believe that suspects, witnesses, and victims traveled through the Target Area during the specified timeframe.

The information sought from Service Provider regarding a list of Device IDs will potentially identify which cellular phones were near the location where the crime occurred and may assist law enforcement in determining which persons were present or involved in the crime under investigation. This will also allow me to eventually identify witnesses to the incident. Finally, it will allow me to rule out persons who are not involved in the crime.

The process to obtain reverse location search data, commonly referred to as a geofence, from a Service Provider is broken down into a three-stage process. The primary purpose of this is to protect the privacy interests of Service Provider’s users. In the first two stages of the process, the information requested from the Service Provider is the Device Identifiers only and/or location information but not the subscriber information. The only data requested from a Service Provider in the first two stages is the anonymous string of numbers and letters that interact with cell towers in the Search Parameters. This is done purposely to protect the identity of the Service Provider’s account holder. No account holder information, such as name, address or any other personal information is sought in **Stage 1** or **Stage 2**.

In **Stage 1**, Service Provider responds to the search warrant to provide IMEI or other Device ID numbers and/or location history data based on the Initial Search Parameters. Once that data is obtained, it will be compared with the information that is already known about the suspect and potential witnesses to the crime. The primary purpose of this comparison is to eliminate Device IDs that do not comport to the facts of the case. It is not uncommon in a warrant such as this to receive numerous Device IDs in Stage 1. Most Device IDs detected in Stage 1 are eliminated during the analysis. This data, combined with other investigatory techniques, may enable the investigator to skip Stage 2.

**Stage 2** in the process is also a search warrant. In Stage 2, a warrant is written for an expanded time frame or other parameters for the number of Device IDs that were not eliminated in the analysis of Stage 1 data. An additional time frame is usually about an hour before and after the Initial Search Parameters however each case is different, and the investigator may require a larger timeframe or area. Importantly, subscriber identity is not sought in Stage 2. Stage 2 provides additional contextual data to determine if the Device IDs gathered in Stage 1 are actually relevant to the investigation. The Stage 2 Device IDs are analyzed in a similar way to that of the Stage 1 Device IDs, except there is more information to work with, to better determine if the Device ID should be eliminated from further scrutiny.

**Stage 3** is also a search warrant. In Stage 3, based on the information gathered in the previous Stage(s). Stage 3 requests basic subscriber information for the Device IDs deemed relevant to the case. It is not until Stage 3 that any identifying information of a Service Provider account holder is requested by law enforcement.

**This warrant is Stage 1 in the process.**

**SYNOPSIS**

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**Appendix A**

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**STATEMENT OF EXPERTISE**

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**STATEMENT OF PROBABLE CAUSE**

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