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

**PEN REGISTER, TRAP AND TRACE APPLICATION**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, am a Peace Officer with the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I declare, under the penalty of perjury, that the information contained in this application is true and that based thereon affiant has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 638.52 as indicated below and is now located at the locations set forth herein, and I further attest that nothing sought in this application pertains to an investigation into a “prohibited violation” as that term is defined in Penal Code 629.51.

I certify that the information likely to be obtained relates to an ongoing criminal investigation and that this investigation is for the offense(s) of: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I believe that a Pen Register, and/or a Trap and Trace device will lead to one or more of the following:

[ ]  Recovery of stolen or embezzled property.

[ ]  Property or things used as the means of committing a felony.

[ ]  Property or things 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 they may have delivered them for the purpose of concealing or preventing them from being discovered.

[ ]  Evidence that tends to show a felony has been committed or tends to show that a particular person has committed a felony.

[ ]  Evidence that tends to show that sexual exploitation of a child, in violation of Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring.

[ ]  The location of a person who is unlawfully restrained or reasonably believed to be a witness in a criminal investigation or for whose arrest there is probable cause.

[ ]  Evidence that tends to show a violation of Section 3700.5 of the Labor Code, or tends to show that a particular person has violated section 3700.5 of the Labor Code.

[ ]  Evidence that tends to show that a felony, a misdemeanor violation of the Fish and Game Code, or a misdemeanor violation of the Public Resources Code, has been committed or is being committed; or tends to show that a particular person has committed or is committing a felony, a misdemeanor violation of the Fish and Game Code, or a misdemeanor violation of the Public Resources Code; or will assist in locating an individual who has committed or is committing a felony, a misdemeanor violation of the Fish and Game Code, or a misdemeanor violation of the Public Resources Code.

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(Affiant/Declarant Signature) (Date)

Wherefore, Affiant requests this ORDER be issued, and requests that the below-checked additional orders be granted.

**SEALED - EVID C. 1040** [ ] **YES** [ ] **NO 90 DAY DELAY OF PC 638.54 & 1546.1(f) NOTICE** [ ]  **YES** [ ] **NO**

**SEALED – EVID C. 1041 & HOBBS** [ ] **YES** [ ] **NO PC 638.52 (i) IMMEDIATE INSTALLATION** [ ]  **YES** [ ] **NO**

**PC 638.52 (d)(5) ASSISTANCE** [ ] **YES** [ ] **NO NON-BUSINESS HOURS RESULTS** [ ]  **YES** [ ] **NO**

**Seal all documents until Government Code 7923.615 or Penal Code 638.54 disclosure/notice is required:** [ ]  **YES** [ ] **NO**

**ORDER**

**THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER IN THE COUNTY OF LOS ANGELES,** designated as a Peace Officer by PC 830 et seq, and qualified pursuant to PC 832**:** Proof by affidavit, that there is probable cause to support this order, I find that it is lawfully seizable pursuant to Penal Code Section 638.52.

**I, therefore, AUTHORIZE the Installation and/or Use a Pen Register and/or a Trap and Trace device or process** on the following Target Telephone number(s), referred to herein as “Target Telephone(s)”:

target#Click or tap here to enter text. / [Insert Specific Service Provider if known] Click or tap here to enter text.

**To acquire the FOLLOWING INFORMATION**: All telephone numbers and/or other identifying number, outgoing (PEN Register without content) and incoming (Trap and Trace without content) for the Target Telephone(s). **And to RETAIN that information**, in the custody of the Peace Officer executing this Order in the same manner as a Warrant pursuant to PC 1536.

This **ORDER**, which incorporates by reference, all included/attached documents, was submitted to me and I find Probable Cause to issue, and I do issue, this **ORDER**, 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.

**I also Grant and make the following additional ORDERS**:

**The data gathered is limited to 60 days from the date this order is signed;**

**(or from \_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_)(must NOT exceed 60 days)**

**This order is SEALED pursuant to PC 638.52 (g) until this Order, including any extensions, expires.**

**If the delayed notification box is checked “YES” the government entity may, and a Service Provider shall, delay any required or voluntary notification to the identified target(s) for 90 days.**

**If execution of this Order is electronic, or by other means which does not include physical entry into a location, it may be served at night.**

**Pursuant to PC 1524.3 (c) and 1546.1 (d)(2), any information obtained through the execution of this Order that is unrelated to the objective of the Order shall be SEALED and shall not be subject to further review, use or disclosure except pursuant to a court order or in lawful compliance with discovery required by PC 1054.1 and 1054.7, or any other legally-required disclosure.**

**The Service Provider shall comply with PC 638.52, PC 1546.1 (d)(3), and, if the “YES” box is checked below, the court also ORDERS:**

**SEALED - EVID C. 1040** [ ] **YES 90 DAY DELAY OF PC 638.54 & 1546.1(f) NOTICE** [ ]  **YES**

**SEALED – EVID C. 1041 & HOBBS** [ ] **YES PC 638.52 (i) IMMEDIATE INSTALLATION** [ ]  **YES**

**PC 638.52 (d)(5) ASSISTANCE** [ ] **YES NON-BUSINESS HOURS RESULTS** [ ]  **YES**

**Seal all documents until Government Code 7923.615 or Penal Code 638.54 disclosure/notice is required:** [ ]  **YES**

**All references in this document to “PC” or “Evid C.” are references to the California Penal Code or California Evidence Code.**

**All information identified as “Sealed” pursuant to Evid C. 1040 and/or Evid C. 1041 (and *People v. Hobbs* (1994) 7 Cal.4th 948) is Ordered Sealed and shall not be disclosed except pursuant to any subsequently issued Court Order if the “YES” box is checked above.**

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

Date & Time Signature & Printed Name

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

**PEACE OFFICER’S REQUESTS**

**Evidence Code 1040 and 1041 Sealing order requests**

[ ]  **In addition to the statutory order to Seal pursuant to 638.52 (g) until the Order, and any extensions, expire, affiant requests additional Sealing Orders pursuant to the Evidence Code as follow:**

[ ]  **Pursuant to Evidence Code 1040, I request the Court to Seal the information contained in the section labeled as “Sealed Portion” and/or contained from Page \_\_\_ Line \_\_\_ through Page \_\_\_ Line \_\_\_ as “Official Information” due to the information contained from Page \_\_\_ Line \_\_\_ through Page \_\_\_ Line \_\_\_ .**

[ ]  **Pursuant to Evidence Code 1041 and *People v. Hobbs* (1994) 7 Cal.4th 948, I request that the information contained in Page \_\_\_ Line \_\_\_ through Page \_\_\_ Line \_\_\_ be Sealed because it would identify or may tend to identify a confidential informant.**

[ ]  **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, PC 638.54, PC 1546 or the arrest of the suspect(s), whichever occurs first.**

**Delayed Notification**

[ ]  **Affiant requests that any notifications pursuant to PC 638.54 or 1546.2 (f) be delayed for 90 days based on the information on Page \_\_\_\_ Line \_\_\_\_ through Page \_\_\_\_ Line \_\_\_\_ because providing prior notice to the Target Telephone subscriber or any other party, would lead to an adverse result which may result in the following:**

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

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

[ ]  **lead to intimidation of potential witnesses;**

[ ]  **seriously jeopardize an investigation.**

**Immediate Results**

[ ]  **Affiant requests immediate installation and results based on the information contained herein.**

**PC 638.52 (d)(5) Assistance**

[ ]  **Affiant requests assistance as provided by PC 638.52 (d)(5) based on the information contained herein.**

**Non-Business Hours Results**

[ ]  **As an exception to PC 638.52 (k), affiant requests non-business hours results based on the information on Page \_\_\_ Line \_\_\_ through Page \_\_\_ Line \_\_\_.**

**Other Requests**

[ ]  **I have listed other requests on Appendix A.**

**ORDERS TO**

**SERVICE PROVIDERS**

**This ORDER is ordered SEALED, pursuant to PC 638.52 (g), until the order, including any extensions, expires. The Service Provider, and/or the person owning or leasing the line to which a Pen Register or Trap and Trace device is attached, along with all associates or employees thereof, are Ordered NOT to disclose the existence of the Pen Register or Trap and Trace device or process, or the existence of the investigation, to the subscriber or any other person, other than to any personnel who require and use the information for the limited purpose of accomplishing the tasks necessary to comply with this Pen Register and/or Trap and Trace Order.**

**The Service Provider is Ordered to verify the authenticity of the electronic information that it produces by providing an affidavit that complies with the requirements set forth in Section 1561 of the California Evidence Code.**

**The additional Orders, if checked “YES” must be complied with, as set forth below.**

**DELAY PC 638.54 & PC 1546.1 (f) NOTIFICATION**

**Service Provider is ORDERED NOT to notify any person, including the subscriber, for 90 days. This Order is in addition to the Order to Seal information pursuant to PC 638.52 (g).**

**PC 638.52 (i) IMMEDIATE INSTALLATION**

**Service Provider is ORDERED to install, activate, access, or utilize any software program or process immediately.**

**PC 638.52 (d)(5) ASSISTANCE**

**Service Provider is ORDERED to provide the peace officer, authorized to install and use a pen register or trap and trace device with all information, facilities, and technical assistance necessary to accomplish the installation of a pen register unobtrusively and with minimum interference with the service provided to the party with respect to whom the installation and use is to take place.**

**NON-BUSINESS HOURS RESULTS**

**Service Provider is ORDERED to provide results of the pen register or trap and trace device during non-business hours.**

**ORDERS TO**

**LAW ENFORCEMENT**

**Pursuant to PC 638.52 (j), a provider of a wire or electronic communication service, landlord, custodian, or other person who provides facilities or technical assistance shall be reasonably compensated by the requesting peace officer’s law enforcement agency for the reasonable expenses incurred in providing the facilities or assistance.**

**RETURN**

**The peace officer executing this Order shall file a report in the same format as a search warrant Return, detailing the results of this Order, with the court in which any case is filed, if it is based, in whole or in part, on the results of this Order, within 10 days of such filing. This report may be filed under seal, subject to any further order of the court.**

**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.

As a result of these facts there is a high probability that the suspect(s) utilized a cellphone/smartphone to communicate with other individuals during the timeframe that is requested in this Order.

**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, pursuant to Government Code section 6254 (f), and in addition to any other order to seal, if checked, I request that, as an exception to Penal Code 1534(a), 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.

**PENAL CODE SECTION 638.52 (d) INFORMATION**

The identity of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­\_\_\_\_ [ ]  unknown.

The identity of the person who is the subject of the criminal investigation is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [ ]  unknown.

The number and physical location of the telephone line to which the pen register or trap and trace device is to be attached is:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** [ ] unknown

The geographical limits of the trap and trace order are: Click or tap here to enter text.

A Pen Register is a device or process that records or decodes dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, but not the contents of that communication.

A Trap and Trace Device refers to a device or process that captures the incoming electronic or other impulses that identify the originating number or other dialing, routing, addressing, or signaling information reasonably likely to identify the source of a wire or electronic communication, but not the contents of the communication.

To acquire this data, the Target Telephone(s) must be powered on. If the Target Telephone has been or is in danger of being switched off due to non-payment, my agency will pay all reasonable costs to keep the Target Telephone active during the period that this order is in effect.

Information acquired solely pursuant to this order shall not include any information that may disclose the location of the subscriber except to the extent that the location may be determined from the telephone number.

**SYNOPSIS**

**Appendix A**

**APPLICANT’S EXPERTISE**

[DESCRIBE background, training, and experience relevant to this investigation]

**STATEMENT OF PROBABLE CAUSE**

[Type in the information that led you to believe the Target Telephone number is related to this investigation.]