\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*INSTRUCTIONS\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

-This search warrant mask is specifically for the use of a cell-site simulator to identify target suspect’s telephone number(s)

-There is RED text below that needs to be changed based on the needs of your search warrant.

-There is BLUE text below which is provided for information to the reader about what is being requested and why. Make sure you read this information and understand it since you are putting it your search warrant. You may need to adjust some of the wording or content in these areas to the specifics of your case.

- After the warrant is finalized, highlight all of the text by selecting CTRL+A and then change all text to black

-It would be a good idea to delete this section before printing/sending your warrant to get signed.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*PLEASE DELETE\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Case No:

COUNTY OF LARIMER ) IN THE COMBINED COURT

 ) SS

STATE OF COLORADO )

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT FOR USE OF CELL-SITE SIMULATOR ELECTRONIC INVESTIGATIVE DEVICE**

BEFORE THE HONORABLE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE / MAGISTRATE

Affiant, YOUR NAME HERE, a commissioned law enforcement officer, being duly sworn, deposes and says that I have probable cause to believe that the following facts support the need for the use of a cell-site simulator electronic investigative device on, around, and in the vicinity of the TARGET SUBJECT:

TARGET SUBJECT (TARGET SUBJECT),

ANY KNOWN AKAS OF TARGET SUBJECT

TARGET’S DOB

There is now located on, around, and in the vicinity of the **TARGET SUBJECT**, an **UNKNOWN TARGET TELEPHONE DEVICE(S)** which would be material evidence in a subsequent criminal prosecution in this state or another.

For which a search warrant and court order for production of records may be issued upon one or more of the grounds set forth in C.R.S. §16-3-301 §16-3-303.5 and Crim. P. 41, namely that this property is designed or intended for use as a means of committing a criminal offense, is or has been used as a means of committing a criminal offense, or would be material evidence in a subsequent criminal prosecution in this state or another state, or which would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding.

Your Affiant, YOUR NAME HERE, is a RANK with the LAW ENFORCEMENT AGENCY and is currently assigned to the Northern Colorado Drug Task Force (NCDTF). Your Affiant has been trained at the state and local levels with regard to my duties and is authorized by law to execute search and arrest warrants in the state of Colorado.

**Cell-Site Simulator**

Through my official law enforcement training, education, and experience, your Affiant knows that cellular phones and other cellular telecommunication devices communicate wirelessly across a network of cellular infrastructure, including towers that route and connect individual communications. When sending or receiving a communication, a cellular device broadcasts certain signals to the cellular tower that is routing its communication. These signals include a cellular device’s unique identifiers. Law enforcement investigators have the ability to use an investigative device, a cell-site simulator electronic investigative device, capable of both sending signals that will be received by the target cell phone and of receiving signals from nearby cellular devices, including the target cell phone. Such a device may function in some respects like a cellular tower except that it will not be connected to a cellular network and cannot be used by a cell phone to communicate with others. The device may send a signal to the target cell phone and thereby prompt it to send signals that include the unique identifier of the device. Your Affiant advises the Court that the implementation of any and all of the investigative techniques referenced on the subject telephone will in no way allow the monitoring or recording of any content or conversations.

Based on the below-referenced information, your Affiant believes that TARGET SUBJECT is using an unknown new cellular device to continue his illegal drug trafficking activity. Your Affiant believes that by utilizing a cell-site simulator electronic investigative device, investigators will be able to identify new phone number(s) which are being utilized by TARGET SUBJECT to facilitate his illegal drug trafficking activity.

Law enforcement officers and investigators will use this investigative device when they have reason to believe that the TARGET SUBJECT, who are in possession of the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)**,is present and in the geographical vicinity of the investigative device. The investigators will collect the unique identifiers emitted by cellular device(s) in the immediate geographical vicinity of the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** when the TARGET SUBJECT is in multiple locations and/or at multiple times in a common location and use this information to identify the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** in the possession of the TARGET SUBJECT. The scope of the use of this device will be limited to the location where the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** and/or TARGET SUBJECT are located. The duration of the use of this device will be limited to identifying the new **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** being used by TARGET SUBJECT. Once the investigators have identified the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** in the possession of the TARGET SUBJECT, the investigators will cease utilizing this investigative device.

Once investigators have identified the **UNKNOWN** **TARGET TELEPHONE DEVICE** and the other related cellular device(s) in the possession of the TARGET SUBJECT, **investigators will delete all information concerning and related to the non-targeted cellular device(s).** Absent further order of the court, investigators will make no investigative use of information concerning and related to the non-targeted cellular device(s) other than distinguishing the **UNKNOWN** **TARGET TELEPHONE DEVICE** and the other related cellular device(s) in the possession of the TARGET SUBJECT.

**It is important to note that the digital signal intercepted by this device will not capture audio communications or content, nor does it intercept locational data from the device or its applications. The cell-site simulator will not collect contents of any communication such as data contained on the phone itself, emails, texts, contact lists, images, or any other data from the phone, or subscriber account information.**

The cell-site simulator will be deployed in separate locations where **UNKNOWN** **TARGET TELEPHONE DEVICE(S)**, and/or TARGET SUBJECT is confirmed to be present (e.g., residence, place of business, etc.). Detectives will exercise reasonable, good-faith efforts to minimize the interception of information from other phones as much as practicable. Prior to deploying the equipment, the operator will verify that the equipment has been cleared of any previous operational data. The cell-site simulator will send signals to the cellular phones in the area that will cause those phones to emit the unique identifiers mentioned above, which will be logged by the simulator in order to determine the unique identifiers utilized by the cellular device belonging to **UNKNOWN** **TARGET TELEPHONE DEVICE(S)**. Detectives will make no affirmative investigative use of any non-target data absent further order from the court, except to identify and distinguish the target device from other devices.

Therefore, your Affiant respectfully requests that this Court authorize law enforcement officers and investigators to utilize the cell-simulator electronic investigative device in order to locate and identify the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** in the possession of the TARGET SUBJECT for a period of thirty (30) days.

As detailed below, during this investigation detectives have used information obtained from law enforcement and open-source investigative databases, interviews with sources of information (SOI’s), and physical surveillance. However, investigators have exhausted all of these traditional investigative leads and have still been unable to identify the telephone device number being used by TARGET SUBJECT.

Because this Affidavit is being submitted for the limited purpose of securing an order authorizing the use of a cell-site simulator electronic investigative device, your Affiant has not included details of every aspect of this investigation to date. Facts not set forth herein are not being relied on in reaching your Affiant’s conclusion that an order should be issued.

The facts tending to establish the grounds for issuance of a Search Warrant are as follows:

**Historical Information**

BACKGROUND OF AFFIANT

STATEMENT OF PROBABLE CAUSE REGARDING CRIME BEING INVESTIGATED – OR IF FOR FUGITIVE PURPOSES, EXISTENCE OF OUTSTANDING WARRANT – AND PC TO BELIEVE THE ACCOUNT LISTED IS AN ACCOUNT THAT COULD LEAD TO MATERIAL EVIDENCE OR A FUGITIVE MIXED WITH THE BELOW PARAGRAPHS

Through my training and experience, your Affiant knows that subjects involved in the illegal distribution of controlled substances use cellular telephones in order to arrange and facilitate drug transactions. In addition, these subjects use their telephones to contact and to store the names and phone numbers of associates who are also involved in the illegal distribution of controlled substances. Your Affiant is aware that it is very common for a subject involved in the illegal distribution of controlled substances to use multiple telephones in an attempt to avoid law enforcement detection. Many times these multiple phone numbers are from different cell service providers, or from different account numbers with the same cell provider.

Based on the above-referenced information, your Affiant believes that TARGET SUBJECT is using an unknown new cellular device to continue his illegal drug trafficking activity. Your Affiant believes that by utilizing a cell-site simulator electronic investigative device, investigators will be able to identify new phone number(s) which are being utilized by TARGET SUBJECT to facilitate his illegal drug trafficking activity.

It is uncommon for people to switch phone numbers NUMBER OF PHONE SWITCHES known times in a LENGTH OF TIME period and this does not include the unknown phone number TARGET SUBJECT is currently using. Your affiant knows through his training, education and experience, that drug traffickers will often utilize multiple cellular phones to thwart a law enforcement investigation. Drug traffickers will compartmentalize their drug trafficking organization: for example, they will have a cellular phone in which is used for legal activities, a cellular phone for customers, and a cellular phone for sources of supply.

Based on the above-referenced information contained in this application and affidavit, your Affiant seeks authorization pursuant to C.R.S. §16-3-301 §16-3-303.5 and Crim. P. 41; for law enforcement officers and investigators to employ an electronic investigative technique, to wit: cell-site simulator technology (also referred to as signal information collection system or cellular telephone location technology); in order to identify the additional cellular device(s) carried by the TARGET SUBJECT who is in possession of the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)**.

Therefore, based on the above information and facts, your Affiant respectfully requests that the Court make the following findings and orders:

1. That there is probable cause to believe that the TARGET SUBJECT identified in the above-referenced Affidavit participates and/or conspires to participate in the illegal trafficking of controlled substances and that the TARGET SUBJECT utilizes the above-referenced **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** to facilitate these illegal trafficking activities.
2. That detectives from the Northern Colorado Drug Task Force, and/or any assisting law enforcement entity to include the Drug Enforcement Administration, are authorized to utilize a cell-site simulator electronic investigative device in order to locate and identify the above-referenced **UNKNOWN** **TARGET TELEPHONE DEVICE** and also the other related cellular device(s) in the possession of the TARGET SUBJECT(S) for a period of thirty (30) days.
3. That detectives from the Northern Colorado Drug Task Force, and/or any assisting law enforcement entity to include the Drug Enforcement Administration, are authorized to monitor the signals broadcast by the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)**and use that information to determine the geographical location of the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)**, even if the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** are located inside a house, apartment, or other building.
4. That detectives from the Northern Colorado Drug Task Force, and/or any assisting law enforcement entity to include the Drug Enforcement Administration are authorized to utilize the cell-site simulator electronic investigative device at any time of day or night, owing to the potential need to locate the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** in the possession of the TARGET SUBJECT(S) outside of daytime hours.
5. That this Affidavit, any Order granting a Search Warrant, and all records related to this Order shall be sealed until the completion of the law enforcement criminal investigation. The Court finds that should this information be made public record prior to the completion of the investigation, such disclosure would have an adverse impact on the criminal investigation in progress.

***Further requests:***

1. Pursuant to Crim. P. 41 and §16-3-304(2), Your Affiant requests that this Court seal the affidavit and search warrant and court order for production of records until the completion of the law enforcement criminal investigation. The affidavit establishes grounds to believe that disclosure at this time of the affidavit and search warrant and court order for production of records would be contrary to the public interest. Such order for sealing does not apply to representatives of law enforcement agencies, and District Attorney’s Offices.
2. Your Affiant further request that the notification of this Search Warrant be delayed until the completion of the law enforcement criminal investigation. Due to the sensitive nature of the case and the ongoing investigation, your Affiant believes that notification of the installation and use of the pen register/trap and trace is likely to reveal the criminal investigation to the owner or custodian of the above-reference cellular telephone. Such notification would likely jeopardize both the investigation and the safety of the officers involved.

I believe the above facts to be true from official LAW ENFORCEMENT AGENGY records, conversations with fellow officers, personal observations and interviews. I am a YOUR TITLE with the LAW ENFORCEMENT AGENGY. I have been trained at the State, and local levels with regard to my duties. I am authorized by law to execute search warrants in the County of Larimer and State of Colorado.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

AFFIANT

This affidavit was sworn to and subscribed in my presence this DATE day of MONTH 20\*\* at \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE

Case No.

COUNTY OF LARIMER ) IN THE COMBINED COURT

 ) SS

STATE OF COLORADO )

**SEARCH WARRANT FOR USE OF CELL-SITE SIMULATOR ELECTRONIC INVESTIGATIVE DEVICE**

Before the Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Judge / Magistrate

The Court, upon review of an affidavit filed by YOUR NAME HERE which is incorporated by reference, in support of the issuance of this warrant, hereby orders the use of a cell-site simulator electronic investigative device to identify **UNKNOWN** **TARGET TELEPHONE DEVICE(S)**, for which there is probable cause to believe are in the actual or constructive possession or control of:

TARGET SUBJECT (TARGET SUBJECT),

ANY KNOWN AKAS OF TARGET SUBJECT

 TARGET’S DOB

This Court also finds that there is probable cause to issue this Search Warrant pursuant to the provisions of C.R.S. §16-3-301, §16-3-303.5, and Crim. P. 41, namely that this property is stolen or embezzled, or is designed or intended for use as a means of committing a criminal offense, or is or has been used as a means of committing a criminal offense, or the possession of which is illegal, or would be material evidence in a subsequent criminal prosecution in this state or another state or federal court, or the seizure of which is expressly required, authorized or permitted by any statute of this state or the United States, or which is kept, stored, maintained, transported, sold, dispensed, or possessed in violation of a statute of this state, under circumstances involving a serious threat to public safety or order or to public health, or which would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding.

The Court makes the following findings and orders:

1. That there is probable cause to believe that the TARGET SUBJECT identified in the above-referenced Affidavit participates and/or conspires to participate in the illegal trafficking of controlled substances and that the TARGET SUBJECT utilizes the above-referenced **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** to facilitate these illegal trafficking activities.
2. That detectives from the Northern Colorado Drug Task Force, and/or any assisting law enforcement entity to include the Drug Enforcement Administration, are authorized to utilize a cell-site simulator electronic investigative device in order to locate and identify the above-referenced **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** in the possession of the TARGET SUBJECT(S) for a period of thirty (30) days.
3. That detectives from the Northern Colorado Drug Task Force, and/or any assisting law enforcement entity to include the Drug Enforcement Administration, are authorized to monitor the signals broadcast by the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** and use that information to determine the geographical location of the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)**, even if the **UNKNOWN** **TARGET TELEPHONE DEVICE(S)** are located inside a house, apartment, or other building.
4. That detectives from the Northern Colorado Drug Task Force, and/or any assisting law enforcement entity to include the Drug Enforcement Administration are authorized to utilize the cell-site simulator electronic investigative device at any time of day or night, owing to the potential need to locate the **UNKNOWN** **TARGET TELEPHONE DEVICE** and the other related cellular device(s) in the possession of the TARGET SUBJECT(S) outside of daytime hours.
5. That this Affidavit, any Order granting a Search Warrant, and all records related to this Order shall be sealed until the completion of the law enforcement criminal investigation. The Court finds that should this information be made public record prior to the completion of the investigation, such disclosure would have an adverse impact on the criminal investigation in progress.

IT IS FURTHER ORDERED:

1. That this Search Warrant and Order and application be **SEALED** until the completion of the law enforcement criminal investigation, that the identity of any target(s) of the underlying criminal investigation may be redacted from any copy of this Order to be served on any service provider or other person.
2. That notification of this Search Warrant be delayed until the completion of the law enforcement criminal investigation. Due to the sensitive nature of the case and the ongoing investigation, the Court finds that notification of the installation and use of the pen register/trap and trace is likely to reveal the criminal investigation to the owner or custodian of the above-reference cellular telephone. Such notification would likely jeopardize both the investigation and the safety of the officers involved.

Based upon the affidavit of the above-named Affiant, which is incorporated by reference, I am satisfied that there is probable cause to believe there is a legal basis and also legal authority for the issuance of this Search Warrant. You are therefore authorized to execute this Search Warrant according to these terms and as otherwise permitted by law.

Dated this \_\_\_\_\_day of \_\_\_\_\_\_\_\_\_ 20\_\_, at \_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JUDGE / MAGISTRATE