COUNTY OF LARIMER )

 ) SS IN THE COMBINED COURT

STATE OF COLORADO )

**SEALED**

**AFFIDAVIT FOR SEARCH WARRANT FOR**

**FACEBOOK ACCOUNT information,**

**INSTALLATION AND USE OF pen register/Trap and Trace**

**and**

**COLLECTION AND USE OF GEOGRAPHICAL LOCATION INFORMATION**

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

 Judge/Magistrate

Affiant, LEO NAME, 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 release of subscriber information, installation and use of a pen register/trap and trace and the collection and use of geographical location information for the following social media account:

**FACEBOOK user profile ID:**

Your Affiant believes these records reside in the place or business entity known as or described as:

**Meta Platforms, Inc.** (parent company for Facebook)

**1 Meta Way**

**Menlo Park, CA 94025**

**Served via Facebook Law Enforcement Portal at:**

**https://facebook.com/records**

Your Affiant, NAME, is a Detective 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.

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. Your Affiant also knows that these subjects will use their cellular telephones to access social media accounts which have messaging features that allow them to communicate with and arrange drug transactions using these social media platforms. 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 common for a subject involved in the illegal distribution of controlled substances to use multiple telephones, multiple social media applications and multiple forms of communication (calls, texts, and social media applications) in an attempt to avoid law enforcement detection.

Because this Affidavit is being submitted for the limited purpose of securing an order authorizing the installation and use of pen register/trap and trace and the collection and use of geographical location information, 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.

Your Affiant believes the below-described facts to be true based upon official law enforcement records, conversations with fellow officers, personal observations and interviews:

**PROBABLE CAUSE STATEMENT**

Through training and experience, your Affiant has found that subjects involved in the illegal distribution of controlled substances often utilize Facebook messenger, send private messages and photos, and use the phone call feature in Facebook to further their criminal activity. Your affiant has requested and been issued search warrants for Facebook user account information in similar but unrelated cases and found that this information proved to be critical evidence in future criminal proceedings.

Your Affiant is aware from prior experience that nearly all user-initiated Facebook activity, including the posting of images, status updates, the sending of messages, etc., is associated with an Internet Protocol (IP) address. This IP address would assist your affiant in determining the geographic location from which any messages made by **TARGET NAME** were posted, to include if these messages are sent with a mobile device. Your Affiant is also aware mobile devices connected to a Facebook account can sometimes store location data associated with the device’s Facebook activity. Your Affiant believes obtaining the records requested in this affidavit will help identify from which mobile or wireless networks **TARGET NAME** or anyone with access to their Facebook profile, is in fact accessing that profile. This information would help identify their current location, establish a pattern of movement, identify additional co-conspirators they are associating with, aid in your affiant in closely monitoring their movement, and further the investigation described in this affidavit.

Your affiant has learned through personal experience that Facebook honors Pen Register/Trap and Trace Orders for a Facebook profile. Information the company could forward your affiant would include IP address logs, “message headers,” login activity, and location information associated with any device used to log into Facebook.com. Facebook can provide such information to your affiant via your affiant’s given email address on an as-needed basis, depending on the facts of a given case.

Your affiant believes that message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, location histories, and the installation of a pen register and trap and trace device on the subject account will assist in locating the subject. The information requested in this affidavit is necessary and relevant to the investigation and will assist in locating the subject.

In the experience of your affiant, the message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, location histories, and the installation of a pen register and trap and trace device has yielded information in past investigations that is relevant and material to ongoing investigations like the investigation described throughout this affidavit. Such information included leads relating to the general location of the subject account holder, names of family members, associates and other individuals who can assist in locating and monitoring **TARGET NAME**. Your Affiant further states that, based upon his training and experience, one method to identify associates is to obtain account information for messages made to and from the subject accounts and then conduct an investigation related to those names and addresses. Based upon the subscriber information, your affiant would then direct other investigators to monitor the addresses and determine if the subject is present or if the associates may lead investigators to the subject.

Your affiant further advises the Court that the general geographic location of the subject derived from message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, and location histories can be used to corroborate the observations of surveillance officers. More specifically, surveillance officers can compare observations of the general area in which the subject accounts are accessed to determine if the subject is in the area.

Based on the above-referenced information, your Affiant believes that the above-referenced Facebook account is being utilized to facilitate illegal drug trafficking activity. Your Affiant believes that by utilizing a pen register/trap and trace on the above-referenced Facebook account, investigators will be able to identify other Facebook accounts which are in contact with the above identified Facebook account in order to identify other associates and participants in this illegal drug trafficking activity.

Your Affiant has reviewed the Facebook, Inc., informational website. In the section entitled, “Information for Law Enforcement Authorities,” Facebook notifies the public that their corporation will require a search warrant issued under the procedures described in the Federal Rules of Criminal Procedure or equivalent state warrant procedures upon a showing of probable cause in order to compel the disclosure of the stored contents of any account, which may include messages, photos, videos, timeline posts, and location information.

Your Affiant is aware that Facebook has a policy of notifying their customers shortly after receipt of legal process, such as a search warrant. Your Affiant believes notification of receipt of this Search Warrant would cause the suspects to become aware of the law enforcement investigation. Your Affiant believes, upon being notified of the law enforcement investigation, the suspects would conceal, secrete, delete, destroy or encrypt the evidence this Affidavit for Search Warrant seeks to retrieve and preserve.

In addition, your Affiant believes that the geographical location information that identifies the geographical location of the above-referenced Facebook account will allow investigators to identify and locate the physical location of the person utilizing this account in order to conduct law enforcement physical surveillance of this person. Specifically, this information will allow detectives to track and identify the subject accessing and using this Facebook account as well as their location while using this account to facilitate their drug distribution activity with other co-conspirators.

**Your Affiant advises this Court that the installation and use of a pen register and trap and trace device on subject account will in no way allow the active, real-time monitoring of any content or conversation(s).**

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

1. That the grounds for the issuance of this search warrant exist pursuant to C.R.S. §16-3-301, C.R.S. §16-3-301.1 and C.R.S. §16-3-303.5 and that there is probable cause to believe that such grounds exist.
2. That the Affiant has certified that the information that is likely to be obtained by the Facebook account information, installation and use of a pen register/trap and trace, to include caller identification, and also by the collection and use of geographical location information, on the following social media account:

**FACEBOOK user profile ID:**

is related to an ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, C.R.S. §18-18-405.

1. That there is probable cause to believe that the above-referenced individual participated and/or conspired to participate in the illegal trafficking of controlled substances and that individual utilized the above-referenced Facebook account to facilitate these illegal trafficking activities.
2. That there is probable cause to believe that there is information likely to be obtained by the Facebook account information, use of a pen register/trap and trace on the above-referenced Facebook account, and by the collection and use of the geographical location information for the above-referenced Facebook accountthat is related to the ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, C.R.S. §18-18-405, and that such information is needed in order to further the above-referenced investigation.
3. That there is now located the following described property, which is in the active or constructive possession of Facebook:

**The following records pertaining to Facebook User profile:**

**Facebook user profile ID:**

From **DATE 1** to **DATE 2** to include, but not limited to:

* All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
* Date the Facebook User Profile account was created and current account status.
* Internet Protocol (IP) address at time of registration, date username registered, and log-in IP addresses associated with the Facebook User Profile.
* IP address logs for the Facebook User Profile.
* All activity logs and all other documents showing the user’s posts and other Facebook activities, to include geographical locations and/or cellular site locations if applicable.
* All Photoprints and all photos uploaded by any user that have these users tagged in them as well as cellular site or geographical locations from where the messages and/or pictures were processed to determine geographical locations where these messages and or photographs were made and received.
	+ Photoprint- The photoprint is a compilation of all photos uploaded by the user that have not been deleted, along with all photos uploaded by any user which have the requested user tagged in them.
* All Neoprints (which is an expanded view of the given users profile) , including profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.
* All other records of communications and messages made or received, including all private messages, chat history, video calling history, and pending “Friend” requests. All past and present “Friends” lists.
* All records of Facebook searches performed.
* All geolocation information relating to account access and use.
* All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked.
* All messages sent and received through the Facebook Messenger function and the Facebook Messenger Mobile Application for the user with the Facebook User Profile for the above-identified date range.
1. The installation of a pen register by the internet service/social media provider named above, to register subject accounts, and to record message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, and location histories, for a period of sixty (60) days from the date the warrant is served upon Facebook (hereafter referred to as the “sixty (60) day time period”), or until such time as the investigation is completed, whichever comes first;
2. The provision, on an ongoing (NOT real-time) basis, of message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, and location histories, beginning from the date the warrant is served upon Facebook, and continuing for the sixty (60) day time period, or until the investigation is completed, whichever comes first;
3. The provision, to law enforcement officer **AFFIANT NAME**, of ongoing (NOT real-time) access to information such as message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, and location histories related to the pen register/trap and trace device, some of which is only available to such authorized users, sent to **AFFIANT NAME** daily (once every 15 minutes) via email, beginning from the date the warrant is served on Facebook, and continuing for the sixty (60) day time period, or until the investigation is completed, whichever comes first.
4. That the NCDTF will compensate Meta Platforms, Inc.(parent company for Facebook) for expenses reasonably incurred in complying with this order.
5. That Meta Platforms, Inc.(parent company for Facebook) shall provide the results of the pen register/trap and trace to the NCDTF for the duration of the order.

***Further requests:***

1. Pursuant to Crim. P. 41 and §16-3-304(2), that this Court seal the affidavit and search warrant and court order for production of records until the filing of charges based on this 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. So as not to disrupt this ongoing investigation, Your Affiant also requests that this Court order Meta Platforms, Inc.(parent company for Facebook) NOT to take adverse action against the subject accounts, such as disabling or terminating the accounts, because of this warrant.
3. Pursuant to 18 U.S.C. §3123(d) and 18 U.S.C. §2705(b)(1)-(5), and Crim. P. 41 and §16-3-304(2), that Meta Platforms, Inc.(parent company for Facebook) be ordered **NOT to disclose the existence of this search warrant and court order to the subscriber for a period of one year**, unless otherwise ordered by a court of competent jurisdiction. Based on the information set forth in this affidavit, notification of the warrant may have an adverse result, as defined in 18 USC §2705(b)(1)-(5), i.e., disclosure may endanger the life or physical safety of an individual; allow flight from prosecution; allow destruction of or tampering with evidence; allow intimidation of potential witnesses; and/or would otherwise seriously jeopardize an investigation or unduly delay a trial.

Affiant\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_am/pm.

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

Judge/Magistrate

COUNTY OF LARIMER )

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 Judge/Magistrate

**TO: ANY PEACE OFFICER AUTHORIZED BY LAW TO EXECUTE SEARCH WARRANTS IN THE COUNTY OF LARIMER AND STATE OF COLORADO.**

The court, upon review of a sworn affidavit filed by **LEO NAME,** a commissioned law enforcement officer, in support of the issuance of this Search Warrant, hereby orders the installation of a pen register and trap and trace device, collection and use of geographical location information, and production of the following records for which there is probable cause to believe are in the actual or constructive possession or control of:

**Meta Platforms, Inc.** (parent company for Facebook)

**1 Meta Way**

**Menlo Park, CA 94025**

**Served via Facebook Law Enforcement Portal at:**

**https://facebook.com/records**

The Court, upon review of a sworn probable cause affidavit filed by Affiant NAME, a commissioned law enforcement officer, in support of the issuance of this order, hereby finds:

1. That the grounds for the issuance of this search warrant exist pursuant to C.R.S. §16-3-301, C.R.S. §16-3-301.1 and C.R.S. §16-3-303.5 and that there is probable cause to believe that such grounds exist.
2. That the Affiant has certified that the information that is likely to be obtained by the Facebook account information, installation and use of a pen register/trap and trace, to include caller identification, and also by the collection and use of geographical location information, on the following social media account:

**FACEBOOK user profile ID:**

is related to an ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, C.R.S. §18-18-405.

1. That there is probable cause to believe that the above-referenced individual participated and/or conspired to participate in the illegal trafficking of controlled substances and that individual utilized the above-referenced Facebook account to facilitate these illegal trafficking activities.
2. That there is probable cause to believe that there is information likely to be obtained by the Facebook account information, use of a pen register/trap and trace on the above-referenced Facebook account, and by the collection and use of the geographical location information for the above-referenced Facebook accountthat is related to the ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, C.R.S. §18-18-405, and that such information is needed in order to further the above-referenced investigation.
3. There is now located the following described property, which is in the active or constructive possession of Facebook:

**-The following records pertaining to Facebook User profile:**

**Facebook user profile ID:**

From **DATE 1** to **DATE 2** to include, but not limited to:

* All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
* Date the Facebook User Profile account was created and current account status.
* Internet Protocol (IP) address at time of registration, date username registered, and log-in IP addresses associated with the Facebook User Profile.
* IP address logs for the Facebook User Profile.
* All activity logs and all other documents showing the user’s posts and other Facebook activities, to include geographical locations and/or cellular site locations if applicable.
* All Photoprints and all photos uploaded by any user that have these users tagged in them as well as cellular site or geographical locations from where the messages and/or pictures were processed to determine geographical locations where these messages and or photographs were made and received.
	+ Photoprint- The photoprint is a compilation of all photos uploaded by the user that have not been deleted, along with all photos uploaded by any user which have the requested user tagged in them.
* All Neoprints (which is an expanded view of the given users profile), including profile contact information; News Feed information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications.
* All other records of communications and messages made or received, including all private messages, chat history, video calling history, and pending “Friend” requests. All past and present “Friends” lists.
* All records of Facebook searches performed.
* All geolocation information relating to account access and use.
* All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked.
* All messages sent and received through the Facebook Messenger function and the Facebook Messenger Mobile Application for the user with the Facebook User Profile for the above-identified date range.
1. The installation of a pen register by the internet service/social media provider named above, to register subject accounts, and to record message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, and location histories, for a period of sixty (60) days from the date the warrant is served upon Facebook (hereafter referred to as the “sixty (60) day time period”), or until such time as the investigation is completed, whichever comes first;
2. The provision, on an ongoing (NOT real-time) basis, of message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, and location histories, beginning from the date the warrant is served upon Facebook, and continuing for the sixty (60) day time period, or until the investigation is completed, whichever comes first;
3. The provision, to law enforcement officer **AFFIANT NAME**, of ongoing (NOT real-time) access to information such as message headers (NOT message content), all Internet Protocol (IP) address logs, last known locations, and location histories related to the pen register/trap and trace device, some of which is only available to such authorized users, sent to **AFFIANT NAME** daily (once every 15 minutes) via email, beginning from the date the warrant is served on Facebook, and continuing for the sixty (60) day time period, or until the investigation is completed, whichever comes first.
4. That the NCDTF will compensate Meta Platforms, Inc.(parent company for Facebook) for expenses reasonably incurred in complying with this order.
5. That Meta Platforms, Inc.(parent company for Facebook) shall provide the results of the pen register/trap and trace to the NCDTF for the duration of the order.
6. All records shall be produced to:

LEO NAME

LEO EMAIL ADDRESS

Phone: 970-

IT IS FURTHER ORDERED:

1. That this Search Warrant and Order and application be **SEALED** until the filing of charges based on this 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. After charges are filed, disclosure of this Search Warrant and Order and application is governed by Crim. P. 55.1.
2. Meta Platforms, Inc.(parent company for Facebook) NOT take adverse action against the subject accounts, such as disabling or terminating the accounts, because of this warrant.
3. Pursuant to 18 U.S.C. §3123(d) and 18 U.S.C. §2705(b)(1)-(5), and Crim. P. 41 and §16-3-304(2), that Meta Platforms, Inc.(parent company for Facebook), **NOT disclose the existence of this search warrant and court order to the subscriber for a period of one year**, unless otherwise ordered by a court of competent jurisdiction, as notification of the warrant may have an adverse result, as defined in 18 USC §2705(b)(1)-(5), i.e., disclosure may endanger the life or physical safety of an individual; allow flight from prosecution; allow destruction of or tampering with evidence; allow intimidation of potential witnesses; and/or would otherwise seriously jeopardize an investigation or unduly delay a trial.

Dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_am/pm.

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

Judge/Magistrate