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

-This search warrant mask is specifically to ping the target phone and provide call detail records for the same number for the apprehension of a fugitive.

-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.

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

Case No:

COUNTY OF LARIMER ) IN THE COMBINED COURT

 ) SS

STATE OF COLORADO )

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT, COURT ORDER FOR PRODUCTION OF RECORDS, AND USE OF GEOGRAPHICAL LOCATION INFORMATION**

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

 JUDGE / MAGISTRATE

Affiant, YOUR NAME HERE, a commissioned law enforcement officer, being duly sworn, deposes and states that I have probable cause to believe that the following facts support the need for the collection and use of geographical location information on the following cellular telephone(s):

**TARGET TELEPHONE NUMBER**, **a PHONE COMPANY cellular phone used by NAME OF TARGET**

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 18 U.S.C. §2703, C.R.S. §16-3-301, §16-3-301.1, §16-3-303.5 and Crim. P. 41, that 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 is a TITLE with the LAW ENFORCEMENT AGENCY and is currently assigned to the ASSIGNED UNIT. Your Affiant has been trained at the state and local levels with regard to my duties and I am authorized by law to execute search and arrest warrants in the state of Colorado.

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

EXISTENCE OF OUTSTANDING WARRANT(S): LAW ENFORCEMENT AGENCY, COUNTY AND CRIMINAL CASE NUMBER, FELONY/MISDOMEANOR, CHARGES, BOND AMOUNT AND TYPE, WARRANT ISSUED DATE

STATEMENT OF PROBABLE CAUSE REGARDING IDENTIFICATION OF THE FUGITIVE’S TELEPHONE NUMBER

Additionally, Your Affiant believes that historical Call Detail Records from the cellular telephone TARGET TELEPHONE NUMBERare needed to establish patterns of behavior and addresses where NAME OF TARGET could be located. Often, the geographical location information provided by cellular providers in real-time lacks specificity and it is not uncommon for law enforcement to receive “real-time pings” that cover thousands of square meters. Without the historical information contained in the requested Call Detail Records, which is in nearly every case more accurate, it can be impossible for investigators to make use of the “real-time pings.” The Call Detail Records assist in identifying specific addresses that are frequented by the user of a mobile device so that investigators know where to respond when they receive broad “real-time” geographic location information.

The records and geographical location information shall be provided to:

YOUR NAME, BADGE NUMBER

LAW ENFORCEMENT AGENGY

YOUR ADDRESS

YOUR PHONE NUMBER

EMAIL

That the Affiant has certified that the information that is likely to be obtained by the collection and use of geographical location information as well as Call Detail Records, on the target cellular telephone device(s):

**TARGET TELEPHONE NUMBER**, **a PHONE COMPANY cellular phone used by NAME OF TARGET**

is related to an ongoing investigation into the whereabouts of NAME OF TRAGET. Therefore, based on the above information and facts, your Affiant respectfully requests that the Court issue the following orders:

1. That **PHONE COMPANY**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, shall provide all customer/subscriber information, including any listed addresses, telephone numbers, social security numbers, dates of birth, names, addresses, any other customer identifying information, mobile handset or device identifiers/serial numbers activation date and deactivation date, and location device was purchased if applicable for the target cellular telephone.
2. That the Court expressly authorize the collection and use of the Call Detail Records on the above-referenced cellular telephone from **DATES**. The Call Detail Records shall include all subscriber and billing information for telephone number **PHONE NUMBER,** all call details with location including but not limited to incoming and outgoing calls, text messaging, and any other wireless activity from this account for the above referenced dates, which cell phone towers this subscriber activated on the above referenced dates, including the specified panels that were activated and addresses of those towers.
3. That **PHONE COMPANY**, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, shall provide any and all email addresses associated with the account.
4. That the Court expressly authorize the collection and use of the geographical location information of the above referenced target cellular telephone device, including all cell-site tower location information, sometimes referred to as GPS (Sprint), Location Services (Verizon), Mobile Locate Tool (AT&T), and Ping Location Services (T-Mobile) and that law enforcement is authorized to receive and utilize the geographical location information of the above-referenced cellular telephone device in real time for a period of thirty (30) days.
5. That law enforcement will compensate the wire, cellular, or electronic communication service provider of the above referenced target cellular telephone number for expenses reasonably incurred in complying with this order.
6. That **PHONE COMPANY**, and/or any other electronic communication provider, shall furnish law enforcement forthwith all information, facilities, and technical assistance necessary to accomplish the collection of any and all location-based data available for the target cellular telephone number.
7. That **PHONE COMPANY**, and/or any other electronic communication provider, shall provide the geographical location information, to include local or long distance telephone service, to law enforcement on a twenty-four (24) hour expedited basis for the duration of the order.
8. That the authorization given is intended to apply not only to the target cellular telephone number listed above, but to any changed telephone number(s) subsequently assigned to the target telephone device, or any subsequent ESN/IMSI/IMEI/SIM associated with the target telephone device (provided the subscriber is the same), within the authorized period.
9. That law enforcement, including the United States Marshals Service, Homeland Security Investigations (HSI), Bureau of Alcohol, Tobacco and Firearms (ATF), Federal Bureau of Investigation (FBI) and/or United States Secret Service, may use an investigative device or devices capable of both sending signals that will be received by the target cell phone and 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. Law enforcement, including the Federal Bureau of Investigation and/or United States Secret Service, may monitor the signals broadcast by the target cell phone and use that information to determine the target cell phone’s location, even if it is located inside a house, apartment or other building.
10. That the investigative device described above may interrupt cellular service of phones or other cellular devices within its immediate vicinity. Any service disruption to non-target devices will be brief and temporary, and all operations will attempt to limit interference with such non-target devices. In order to connect with the target cell phone, the investigative device utilized by law enforcement may briefly exchange signals with all phones or other cellular devices in its vicinity. The signals may include cell phone identifiers. The device will not complete a connection with cellular devices determined not to be the target cell phone, and law enforcement, including the Federal Bureau of Investigation, ATF, United States Marshall’s Service and/or United States Secret Service, will limit collection of information from devices other than the target cell phone. To the extent that any information from a cellular device other than the target cell phone is collected, that information will be deleted and no investigative use will be made of that information, apart from distinguishing the target cell phone from all other cellular devices.
11. 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 apprehension of FIRST NAME AND LAST NAME. 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.
12. So as not to disrupt this ongoing investigation, Your Affiant also requests that this Court order **PHONE COMPANY** NOT to take adverse action against the subject account, such as disabling or terminating the account, because of this warrant.
13. Pursuant to 18 U.S.C. §2705(b) and 18 U.S.C. §2705(b)(1)-(5), and Crim. P. 41 and §16-3-304(2), Your Affiant requests that **PHONE COMPANY** be ordered NOT to disclose the existence of this search warrant and court order to the subscriber for a period of one year from receipt of the requested documents, 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.

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 State of Colorado.

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

AFFIANT

This affidavit was sworn to and subscribed by telephone this DATE day of MONTH 20\*\* at \_\_\_\_\_\_\_\_.

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

JUDGE / MAGISTRATE

Case No.

COUNTY OF LARIMER ) IN THE COMBINED COURT

 ) SS

STATE OF COLORADO )

**SEARCH WARRANT AND COURT ORDER FOR PRODUCTION OF RECORDS**

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 order, hereby orders the production of the following records, for which there is probable cause to believe are in the actual or constructive possession or control of the business entity known or described as:

PHONE COMPANY

 ADDRESS

 PHONE NUMBERS

 EMAIL

This Court also finds that there is probable cause to issue this Search Warrant pursuant to the provisions of 18 U.S.C. §2703, C.R.S. §16-3-301, §16-3-301.1, §16-3-303.5 and Crim. P. 41, namely aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding.

That the Affiant has certified that the information that is likely to be obtained by the collection and use of geographical location information as well as Call Detail Records, on the target cellular telephone device(s):

**TARGET TELEPHONE NUMBER**, **a PHONE COMPANY cellular phone used by NAME OF TARGET**

is related to an ongoing investigation into the whereabouts and criminal actions of NAME OF TARGET. The Court issues the following orders:

1. That PHONE COMPANY, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, shall provide all customer/subscriber information, including any listed addresses, telephone numbers, social security numbers, dates of birth, names, addresses, any other customer identifying information, mobile handset or device identifiers/serial numbers activation date and deactivation date, and location device was purchased if applicable for the target cellular telephone.
2. That the Court expressly authorizes the collection and use of the Call Detail Records on the above-referenced cellular telephone from **HISTORICAL DATE to CURRENT DATE**. The Call Detail Records shall include all subscriber and billing information for telephone number PHONE NUMBER, all call details with location including but not limited to incoming and outgoing calls, text messaging, and any other wireless activity from this account for the above referenced dates, which cell phone towers this subscriber activated on the above referenced dates, including the specified panels that were activated and addresses of those towers.
3. That PHONE COMPANY, and any other provider of wire or electronic communications service where the above referenced target cellular telephone number may be ported during the time-period defined within this order, shall provide any and all email addresses associated with the account.
4. That the Court expressly authorizes the collection and use of the geographical location information of the above referenced target cellular telephone device, including all cell-site tower location information, sometimes referred to as GPS (Sprint), Location Services (Verizon), Mobile Locate Tool (AT&T), and Ping Location Services (T-Mobile) and that law enforcement are authorized to receive and utilize the geographical location information of the above-referenced cellular telephone device in real time for a period of thirty (30) days.
5. That law enforcement will compensate the wire, cellular, or electronic communication service provider of the above referenced target cellular telephone number for expenses reasonably incurred in complying with this order.
6. That PHONE COMPANY, and/or any other electronic communication provider, shall furnish Officers of law enforcement forthwith all information, facilities, and technical assistance necessary to accomplish the collection of any and all location-based data available for the target cellular telephone number.
7. That PHONE COMPANY, and/or any other electronic communication provider, shall provide the geographical location information, to include local or long distance telephone service, to law enforcement on a twenty-four (24) hour expedited basis for the duration of the order.
8. That the authorization given is intended to apply not only to the target cellular telephone number listed above, but to any changed telephone number(s) subsequently assigned to the target telephone device, or any subsequent ESN/IMSI/IMEI/SIM associated with the target telephone device (provided the subscriber is the same), within the authorized period.
9. That law enforcement, including the United States Marshals Service, Homeland Security Investigations (HSI), Bureau of Alcohol, Tobacco and Firearms (ATF), Federal Bureau of Investigation (FBI) and/or United States Secret Service, may use an investigative device or devices capable of both sending signals that will be received by the target cell phone and 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. Law enforcement, including the Federal Bureau of Investigation and/or United States Secret Service, may monitor the signals broadcast by the target cell phone and use that information to determine the target cell phone’s location, even if it is located inside a house, apartment or other building.
10. That the investigative device described above may interrupt cellular service of phones or other cellular devices within its immediate vicinity. Any service disruption to non-target devices will be brief and temporary, and all operations will attempt to limit interference with such non-target devices. In order to connect with the target cell phone, the investigative device utilized by law enforcement may briefly exchange signals with all phones or other cellular devices in its vicinity. The signals may include cell phone identifiers. The device will not complete a connection with cellular devices determined not to be the target cell phone, and law enforcement, including the Federal Bureau of Investigation, ATF, United States Marshall’s Service and/or United States Secret Service, will limit collection of information from devices other than the target cell phone. To the extent that any information from a cellular device other than the target cell phone is collected, that information will be deleted and no investigative use will be made of that information, apart from distinguishing the target cell phone from all other cellular devices.
11. 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 apprehension of FIRST NAME AND LAST NAME. 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.
12. So as not to disrupt this ongoing investigation, Your Affiant also requests that this Court order PHONE COMPANY NOT to take adverse action against the subject account, such as disabling or terminating the account, because of this warrant.
13. Pursuant to 18 U.S.C. §2705(b) and 18 U.S.C. §2705(b)(1)-(5), and Crim. P. 41 and §16-3-304(2), Your Affiant requests that PHONE COMPANY be ordered NOT to disclose the existence of this search warrant and court order to the subscriber for a period of one year from receipt of the requested documents, 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.

Pursuant to §16-3-301.1, C.R.S., a criminal investigator or peace officer is hereby authorized to serve this order during normal business hours of the above-named business entity, and to receive the records during normal business hours of the business entity. Service shall issue in the same manner as a summons in a civil action or by personal service on a manager or supervisor of the business entity or through any electronic or other means established and utilized by the business to receive service of process. This order must be served within 14 days after the date it is issued.

The business entity is ORDERED to produce the above described records to the affiant or his/her designee within thirty-five (35) days of service.

The records and geographical location information shall be provided to:

YOUR NAME, BADGE NUMBER

LAW ENFORCEMENT AGENGY

YOUR ADDRESS

YOUR PHONE NUMBER

EMAIL

The business entity shall also provide a notarized attestation of accuracy that the records produced represent complete and accurate copies of all records identified in this order that are in the actual or constructive control of the business entity. If the business entity does not produce all records identified in this order, it shall identify the records not produced. Failure to comply with this order shall support a finding of contempt of court.

When this Order is terminated, the peace officer named herein shall file a return and inventory with the court indicating the records that have been received and the date and time upon which the records were received. The peace officer named herein may also file the original of the attestation of accuracy with the court.

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