

SUPERIOR COURT OF CALIFORNIA

County of _____



SEARCH WARRANT Electronic Communications and/or Data In Possession of Provider

Penal Code §§ 1524.3; 1546 et seq.

The People of the State of California
to any peace officer in the above county

Warrant No. _____

Order: An affidavit by _____, which was sworn to and subscribed before me on this date, has established probable cause for the issuance of this search warrant which you are ordered to execute in the manner below.

Name and agency of affiant (Hereinafter "Affiant"): *[Insert affiant's name and agency]*

Name of service provider (Hereinafter "Provider"): *[Insert provider's name]*

Mailing address of service provider *[Insert mail or email address to which the warrant will be sent]* **[NOTE:** Send the Request for Declaration of Custodian of Records to this address. See the form, "Request for Declaration of Custodian of Records."

Type of communications and/or data to be seized:

- Cell phone
- Internet
- Messaging
- Voicemail
- Other *[Describe]*

Subscriber's name: *[Insert name of subscriber]*

Target of investigation: *[Per Pen. Code § 1546.1(d)(1), include only if "appropriate and reasonable"]*.

Target of warrant: (Hereinafter "Target") *[Identify target individuals or accounts]*

Subscriber's account information: *[Insert available identification information]*

Communications and/or data classification: The communications and/or data described below is evidence of a crime as follows: *[Check one or more]*

- It tends to prove that a felony was committed
- It tends to prove that a particular person committed a felony
- It tends to prove that sexual exploitation of a child, or possession of matter depicting sexual conduct of a person under the age of 18 years has occurred or is occurring.

Communications to be searched for and seized: You are hereby ordered to search the Provider's electronic communication storage equipment for the following stored electronic communications. As used herein, the term "communications" includes written, photographic, video, and audio communications. *[Delete this paragraph if not seeking communications.]* *[Insert description of target communications including date(s) when the communication occurred or was stored (if known), the parties to the communication (if known), the subject matter of the communication (if known), and any other identifying information (if known).]* The term "communication" includes written, photographic, video, and audio content]

Communications Data to be Searched For and Seized: You are hereby ordered to search the Provider's electronic communication storage equipment, and any physical documents on the premises, for the following stored electronic communications data: *[Delete if not seeking data, otherwise insert description of data, such as the subscriber's name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of that service, and the types of services the subscriber or customer utilized. When possible, specify the target individuals or accounts.]*

[Effective January 1, 2017: Stating applicable time periods: If it is "appropriate and reasonable," the warrant must specify the time periods within which the communications or data were recorded. Pen. Code § 1546.1(d)(1). No time period need be specified if the judge determines that it is not appropriate to specify the time period "because of the specific circumstances of the investigation, including, but not limited to, the nature of the device to be searched." Pen. Code § 1546.1(d)(1).]

Delayed notification order: The affidavit herein has established sufficient reason to believe that immediate compliance with the notice requirements set forth in Penal Code § 1546,2(a) will: *[Check one or more]*

- Endanger the life or physical safety of an individual.
- Result in flight from prosecution.
- Result in tampering or destruction of evidence.
- Result in intimidation of a potential witness.
- Seriously jeopardize an investigation.

Accordingly, pursuant to Penal Code § 1546.2(b)(1), it is hereby ordered that neither the law enforcement officer(s) who execute this warrant nor Provider shall give such notification until one of the following circumstances exist: (1) there is sufficient reason to believe that the threat cited above will not occur, or (2) the passage of 90 days from the date the warrant was executed. Penal Code §§ 1546(a) 1546,2(b)(1).

Special Instructions to Affiant

Seal unrelated information: All information that is unrelated to the objective of the warrant shall be sealed and is not subject to further review, use, or disclosure without a court order.

Night service authorization: This warrant may be served on provider at any hour of the day or night.

Disposition of evidence: Pursuant to Penal Code §§ 1528(a), 1536 all communications and/or data seized pursuant to this search warrant shall be retained in Affiant's custody pending further court order.

Special Instructions to Provider

Verification: If Provider is a foreign corporation as defined in California Corporations Code § 2105, it is required under California Penal Code § 1524.2(b)(4) to "verify the authenticity of records that it produces" by means of an affidavit that complies with the requirements set forth in California Evidence Code § 1561.

Nondisclosure Order: Pending further order of this court, the officers, employees, and agents of the service provider are hereby ordered not to disclose information to any person that would reveal, or tend to reveal, the contents of this warrant or the fact that it was issued.

Date and time warrant issued

Judge of the Superior Court

**** **Information for affiant** [delete before submitting to judge] The following are examples of electronic communications records that might be relevant to your case. They were provided by the California Department of Justice eCrime Unit.

1. Subscriber Records: All information for the following mobile number(s) **[TARGET NUMBERS]** including:

- a. All Subscriber information to include name, tax identification number (social security number or employer identification number).
 - b. Physical address, mailing addresses, residential addresses, business addresses, e-mail addresses and any other address information.
 - c. Credit information obtained or used by the company to grant account status.
 - d. All numbers associated with account.
 - e. Billing records.
 - f. All payments to include method, date and time of payments, location (store name, address, and phone number of location where payment(s) were made), and copies of payment items..
 - g. All Authorized users on the associated account.
 - h. Activation date and termination date of each device associated with the account and above listed number(s).
 - i. Types of service subscriber utilized (i.e. A-list, friends and family).
 - j. Make, model, and serial number associated with the above listed numbers including any and all equipment or sim card changes for the life of the account.
 - k. All customer service and account notes.
 - l. Any and all number changes prior to and after any of the numbers were activated.
2. **Call/Text/Data Detail Records:** All records associated with the identified mobile number(s) [**TARGET NUMBERS**], also to include all numbers that communicate with these listed numbers relating to all delivered and undelivered inbound and outbound calls, text messages, and text message content to any of the above listed numbers, all voice mail, and all data connections from [**DATE OR TIME FRAME FOR REQUEST**] and to include;
- a. Cell-site and sector, date, time, direction, duration, number called or text to and/or received from, and bytes up/down, information related to each call, text or data connection, all text message content, and voicemails.
 - b. Call to Destination / Dialed Digits search for all numbers listed above. Please preserve all cell-site and sector information related to each call, text or data connection.
3. **Stored Communication Records:** All stored communications associated with the identified mobile number(s) [**TARGET NUMBERS**] for the above listed Call/Text/Data Detail Records. Specifically to include all text message content, voicemails, and any other stored communications.
4. **Specialized Location Records:** All call, text and data connection location information from [**DATE OR TIME FRAME FOR REQUEST**] associated with the identified mobile number(s) [**TARGET NUMBERS**]. Including, all specialized carrier records that may be referred to as RTT (Real Time Tool), PCMD (Per Call Measurement Data), Network Location Services (NELOS), Mediation Records, e911, and/or Historical GPS/Mobile Locate Information which shows GPS location (longitude and latitude) and Cell-Site and sector of the device in relationship to the network when connected to the network for the above referenced numbers.
5. **Electronically Stored Records:** All records associated with the identified mobile number(s) [**TARGET NUMBERS**], also to include all numbers that communicate with these listed numbers relating to all stored communication or files, including voice mail, text messages (including numbers text to and received from and all related content), e-mail, digital images (i.e. pictures), buddy lists, video calling, data connections (to include ISPs, bookmarks and web sites accessed) and any other files including all cell site and sector information associated with each record and associated with cell number(s) identified as: [**TARGET NUMBERS**].
6. **Internet Access Records:** All internet access records for [**TARGET NUMBERS**] from [**DATE OR TIME FRAME FOR REQUEST**]. These records are to include all assigned IP addresses, date, time, duration and data usage amounts. All IP addresses accessed.
7. **Cell Site List:** List of all cell-sites in the state of California as of [**Date Of Crime**] to include switch, cell-site number, name, physical address, longitude and latitude, all sectors associated with each cell-site, azimuth, and beamwidth of each related sector.

8. Carrier Key related to call detail, text messages, data connections, and cell site information.

Any other records and other evidence relating to phone numbers [**TARGET NUMBERS**]. Such records and other evidence include, without limitation, correspondence and other records of contact by any person or entity about the above-referenced accounts, the content and connection logs associated with or relating to postings, communications and any other activities to or through the above referenced phone numbers, whether such records or other evidence are in electronic or other form.

As required by California Penal Code § 1546.1 (d); any information obtained through the execution of this warrant that is unrelated to the objective of the warrant shall be sealed and shall not be subject further review, use, or disclosure absent an order from the Court.

If no evidence of criminal activity is discovered relating to the seized property and associated peripherals, the system will be returned promptly.

Note: Describe the records that you have probable cause to believe will be recovered from the cellular carrier.

Description of records must describe with particularity the information to be seized by specifying the time periods covered and, as appropriate and reasonable, the target individuals or accounts, the application of services covered, and the types of information sought. (Pen. Code, §§ 1546.1 (d)(1), 1525, 1529.)

Remember not all of the above listed data sets may be relevant to your case; investigators should edit the affidavit and attachments to remove requests for information that will not be needed in a particular case.