

# SUPERIOR COURT OF CALIFORNIA

County of \_\_\_\_\_



## COURT ORDER Telephone Transaction Records

**TO:** [Insert name of provider], hereinafter "Provider"

**APPLICANT:** [Insert name of applicant and agency], hereinafter "Applicant."

**SUBSCRIBER:** [Insert available information; e.g., name, address, phone number]

**PHONE NUMBER** (If known):

### FINDINGS

- (1) Provider is an electronic communication service company as defined in 18 USC § 2510(15) and is doing business in California.
- (2) Pursuant to 18 USC §§ 2703(c)(1)(B), 2703(c), and 2703(d), this court may order a provider of an electronic communication service doing business in California to disclose the records listed above to an officer who has established reasonable grounds to believe said records are relevant and material to an ongoing criminal investigation.
- (3) Applicant has filed with this court a declaration containing specific and articulable facts establishing reasonable grounds to believe the listed records are relevant and material to an ongoing criminal investigation.
- (4) Applicant's declaration has established grounds for a non-disclosure order pursuant to 18 USC § 2705(b). Grounds for nondisclosure are based on the following: [check one or more]  
 Danger to life or safety                       Flight from prosecution                       Jeopardize an investigation  
 Evidence destruction or tampering                       Intimidation of potential witnesses

**ORDER:** Based on the findings above, Provider is ordered to furnish Applicant with the following records if they are in Provider's possession or if they can be obtained with reasonable effort: *[Delete if inapplicable and renumber]*

- (1) For all target telephone number(s): Local and long distance telephone connection records (including country of origin), and records of session times and durations with respect to the following: All incoming and outgoing local, regional, long distance, international, wholesale, cellular, paging, toll free, or prepaid calls.
- (2) For each subscriber and phone number: Identify each account held by that subscriber, as well as the following information associated with that account from \_\_\_\_\_ to \_\_\_\_\_: Local and long distance telephone connection records (including country of origin), and records of session times and durations with respect to all incoming and outgoing local, regional, long distance, international, wholesale, cellular, paging, toll free, or prepaid calls.
- (3) For each telephone number: Produce local and long distance telephone connection records (including country or origin), and records of session times and durations with respect to phone numbers that contacted or were contacted by the target telephone(s) otherwise known as a "basic search."
- (4) Upon request, produce an advanced search of the results obtained from the basic search. An advanced search is a secondary search of the frequently dialed local and long distance telephone connection records (including country of origin), and records of session times and durations with respect to phone numbers that contacted or were contacted by the target telephone(s) gleaned from the basic search. The advanced search analysis shall consist of telephone connection records and records or session times from \_\_\_\_\_ to \_\_\_\_\_.
- (5) Produce a common calls report that combines the results of the basic search with the results of the advanced search. The resulting common calls report is an analysis of the calls between the original target number 9s) and the numbers derived from the advanced search.
- (6) With respect to telephone numbers and customers identified in the advanced search, identify local and long distance telephone connection records (including country of origin), and records of session times and durations (next page) with respect to all incoming and outgoing local, regional, long distance, international, wholesale, cellular, paging, toll free, or prepaid calls.

**NON-DISCLOSURE ORDER:** Provider shall not notify Subscriber or any other person of the existence or content of this order as follows:  Until 90 days from the date of this order.  Until further order of this court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge of the Superior Court

## Application for Court Order Phone Records

**Provider:** (Insert name), hereinafter "Provider"

**Type of service provided:**  Telephone  Email  Internet

**Target information** (if known)

Name and address:

Phone number:

**Jurisdiction:** Provider is an electronic communication service provider as defined in 18 USC § 2510(15) and is doing business in California.

**Certification:** Per 18 USC § 2703(d), I certify that records that are likely to be obtained pursuant to this Order are relevant to an ongoing criminal investigation being conducted by the above law enforcement agency. This certification is based on the following information:

**Declaration:** I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant

→ **Caveat:** Because the law pertaining to D Orders is unsettled, judges will not always issue them even though grounds exist. Until the matter is resolved, it is recommended that officers seek a search warrant.