COUNTY OF LARIMER )

 ) SS IN THE COMBINED COURT

STATE OF COLORADO )

**SEALED**

**AFFIDAVIT FOR SEARCH WARRANT FOR**

**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 collection and use of geographical location information on the following cellular telephone(s):

**XXX-XXX-XXXX,** a **TELEPHONE PROVIDER** telephone,used by SUBJECT NAME;

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.

Your Affiant is aware, based on my training, education and experience as a law enforcement officer that cellular telephones contain electronic circuitry, which enables the cellular telephone device to transmit its geographical location information to the telephone’s service provider and that information is then maintained by the telephone’s service provider. This electronic circuitry allows the telephone’s service provider to record the physical location of the target cellular telephone. The physical location of the target cellular telephone may be recorded in several different methods, such as through the use of cell site tower and sector data, triangulation of cell site tower data, or the use of Global Positioning System (GPS) coordinates. This location-based data is sometimes referred to as GPS (Sprint), Location Services (Verizon), Mobile Locate Tool (AT&T), and Ping Location Services (T-Mobile).

I am also aware, based on my training, education and experience as a law enforcement officer that cellular telephone service providers maintain records related to subscriber information, account registration, credit information, billing and airtime records, outbound and inbound call detail, connection time and dates, Internet routing information (Internet Protocol numbers), and message content, that may assist in locating the user of a particular cellular telephone.

Because this Affidavit is being submitted for the limited purpose of securing an order authorizing the collection and use of geographical location information, I have not included details of every aspect of this investigation to date. Facts not set forth herein are not being relied on in reaching my 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:

**Wiretap Interception Pursuant to C.R.S. 16-15-102**

On DATE, investigators received authorization from the Honorable **JUDGE**, 8th Judicial District, state of Colorado, pursuant to C.R.S. 16-15-102, to intercept phone number **987-654-3210**, believed to be in possession of PERSON. This telephone is currently being intercepted.

Paragraphs 11(a) and 11(b) of that court order, pursuant to C.R.S. 16-15-102, expressly authorize investigators to obtain and utilize the geographical location information, also known as the precise data location information, such as GPS coordinates, of any cellular telephone that was in contact with the target telephone number **987-654-3210**.

**A copy of that court order dated DATE, is hereby attached to this affidavit and incorporated by reference. Your Affiant expressly relies on the facts in that application in support of this request for collection and use of precise data location information.**

**Current Investigation**

**PROBABLE CAUSE STATEMENT**

**Conclusion**

Based on the above-referenced information, your Affiant believes that the above-referenced cellular telephone device is being utilized to facilitate illegal drug trafficking activity. Your Affiant believes that the receipt of geographical location information on the above-referenced cellular telephone device is needed in order to safely locate, surveil, and further the investigation of **TARGET NAME**.

Your Affiant further believes that there is probable cause to believe that there is information likely to be obtained by the collection and use of the precise data location information for cellular telephone number **123-456-7890** that is related to the ongoing criminal investigation into felony violations of the Colorado Uniform Controlled Substances Act, CRS 18-18-405, and that such information is needed in order to further the above-referenced investigation.

In addition, your Affiant believes that the location-based data that identifies the geographical location of the subject cellular telephone number **123-456-7890** will allow agents and/or investigators to identify and locate the physical location of the person in possession of and utilizing the subject cellular telephone in order to be able to conduct law enforcement physical surveillance. Specifically, this information will allow agents to track the possessor of the subject cellular telephone and to assist in identifying the locations where illicit controlled substances and the proceeds from the sale of illicit controlled substances are stored.

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 collection and use of geographical location information on the target cellular telephone device(s):

**XXX-XXX-XXXX,** a **TELEPHONE PROVIDER** telephone,used by **TARGET NAME**;

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 target cellular telephone device to facilitate these illegal trafficking activities.
2. That there is probable cause to believe that there is information likely to be obtained by the use of the collection and use of the geographical location information for the above-referenced target cellular telephone devicethat 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 **TELEPHONE PROVIDER**, 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.
4. That **TELEPHONE PROVIDER**, 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.
5. 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 investigators of the NCDTF are authorized to receive and utilize the geographical location information of the above-referenced cellular telephone device in real time for a period of sixty (60) days.
6. That the NCDTF 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.
7. That **TELEPHONE PROVIDER****,** and/or any other electronic communication provider, shall furnish agents of the Northern Colorado Drug Task Force (NCDTF) 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.
8. That **TELEPHONE PROVIDER,** and/or any other electronic communication provider, shall provide the geographical location information, to include local or long distance telephone service, to the Northern Colorado Drug Task Force (NCDTF) on a twenty-four (24) hour expedited basis for the duration of the order.
9. 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.
10. That this Affidavit, any Order granting a Search Warrant, and all records related to this Order be sealed until the completion of the law enforcement criminal investigation. Should this information be made public record prior to the completion of the investigation, your Affiant strongly believes that such disclosure would have an adverse impact on the criminal investigation in progress. Your Affiant further believes that sealing this Affidavit and any Order would be in the best interests of the community.
11. That **TELEPHONE PROVIDER**, and any other provider of wire or electronic communications service, to include local or long distance telephone service, SHALL NOT disclose the existence, either directly or on the subscriber's bill, the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the Court.
12. 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 use of the geographical location information for the above-referenced target cellular telephone device 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.

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

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

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

Judge/Magistrate

COUNTY OF LARIMER )

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 Judge/Magistrate

To: **TELEPHONE PROVIDER**

 **LAW ENFORCEMENT RELATIONS GROUP**

 **ADDRESS**

 **PHONE NUMBER**

 **FAX NUMBER**

 **EMAIL ADDRESS**

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 collection and use of geographical location information on the target cellular telephone device(s):

**XXX-XXX-XXXX,** a **TELEPHONE PROVIDER** telephone,used by **TARGET NAME**;

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 target cellular telephone device to facilitate these illegal trafficking activities.
2. That there is probable cause to believe that there is information likely to be obtained by the use of the collection and use of the geographical location information for the above-referenced target cellular telephone devicethat 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 **TELEPHONE PROVIDER**, 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.
4. That **TELEPHONE PROVIDER**, 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.
5. 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 investigators of the NCDTF are authorized to receive and utilize the geographical location information of the above-referenced cellular telephone device in real time for a period of sixty (60) days.
6. That the NCDTF 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.
7. That **TELEPHONE PROVIDER,** and/or any other electronic communication provider, shall furnish agents of the Northern Colorado Drug Task Force (NCDTF) 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.
8. That **TELEPHONE PROVIDER,** and/or any other electronic communication provider, shall provide the geographical location information, to include local or long distance telephone service, to the Northern Colorado Drug Task Force (NCDTF) on a twenty-four (24) hour expedited basis for the duration of the order.
9. 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.
10. That this Affidavit, any Order granting a Search Warrant, and all records related to this Order be sealed until the completion of the law enforcement criminal investigation. Should this information be made public record prior to the completion of the investigation, your Affiant strongly believes that such disclosure would have an adverse impact on the criminal investigation in progress. Your Affiant further believes that sealing this Affidavit and any Order would be in the best interests of the community.
11. That **TELEPHONE PROVIDER**, and any other provider of wire or electronic communications service, to include local or long distance telephone service, SHALL NOT disclose the existence, either directly or on the subscriber's bill, the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the Court.
12. 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 use of the geographical location information for the above-referenced target cellular telephone device 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.
13. All records shall be produced to:

**LEO NAME**

**STREET ADDRESS**

**CITY, CO 80525**

**Phone: 970-**

**Fax: 970-221-6639**

**LEO EMAIL ADDRESS**

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

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| --- | --- |
| Judge/Magistrate |  |
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