September 29, 2012

Martin Bland
Officer-in-Charge, Discovery Section

Los Angeles Police Department
201 North Los Angeles Street, Space 301
Los Angeles, California 90012

RE: California Public Records Act Request

Dear Officer Bland,

I am writing on behalf of the First Amendment Coalition. This is a request for public records pursuant to the California Public Records Act (Government Code Section 6250 et seq.).

This request relates to a type of cell phone tracking system (CPTS) - specifically, a device for identifying the International Mobile Subscriber Identity (IMSI) of nearby cell phones, sometimes referred to as an “IMSI catcher” device. The Sept. 13, 2012, edition of LA Weekly magazine reports, based on documents obtained from the Department of Homeland Security under the Freedom of Information Act, that the Los Angeles Police Department has obtained at least two IMSI catchers.

Please provide us with the following records:

1. A copy of any LAPD internal policies, guidelines or standards for police use of an IMSI device.

2. If the documents requested in Question 1 are withheld or do not exist, all other records sufficient to show the policies, guidelines or standards in effect for LAPD use of an IMSI device.

3. Records sufficient to show whether judicial authorization is obtained for LAPD deployment and use of an IMSI device and the type of judicial authorization obtained. In lieu of furnishing responsive records, you may answer the questions: a) Does the LAPD obtain judicial authorization for use of an IMSI device? and, if yes, b) what is the type (or types) of authorization obtained?

4. Records sufficient to show, for the time period June 1 - Sept. 30, 2012, the frequency of LAPD’s deployment and use of an IMSI device. In lieu of furnishing responsive records, you may answer the question: During the stated time period, how many different cell phone numbers were subjected to identification and collection of information by or for the LAPD by use of an IMSI device?

5. Records sufficient to show, for the time period June 1 - Sept. 30, 2012, all LAPD uses of an IMSI device in which LAPD personnel eavesdropped on conversation. In lieu of furnishing responsive records, you may answer the questions: for the time period June 1 - Sept. 30, 2012, how many LAPD uses of an IMSI device involved LAPD personnel eavesdropping on conversation?

6. Records sufficient to identify all prosecutions or other judicial proceedings initiated by the LAPD or LA District Attorney during 2011 in which information was filed in, or furnished to, the Superior Court (LA County) derived from LAPD’s use of an IMSI device. In lieu of furnishing responsive records, you may answer the question: Identify all prosecutions or other judicial proceedings initiated by the LAPD or LA District Attorney during 2011 in which information was filed in, or furnished to, the Superior Court (LA County) derived from LAPD’s use of an IMSI device.
I ask for a determination on this request within 10 days of your receipt. If you determine that any or all of the information qualifies for an exemption from disclosure, I ask you to note whether, as is normally the case under the Act, the exemption is discretionary, and if so, please exercise your discretion to disclose the information.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, you must make available redacted versions of the requested records.

Please provide a signed notification citing the legal authorities on which you rely if you determine that any or all of the information is exempt and will not be disclosed.

I ask that you notify me of any duplication costs exceeding $50 before you duplicate the records so that I may decide which records I want copied.

Please contact me at (415) 460-5060 if I can provide any clarification that will help expedite your processing of this request.

Thank you for your time and attention to this matter.

Sincerely,

Donal Brown

cc: Peter Scheer
December 14, 2012

Mr. Donal Brown
First Amendment Coalition
534 Fourth Street, Suite B
San Rafael, California 94901

Dear Mr. Brown:

I have reviewed your request for material pertaining to a type of cell phone tracking system for identifying the International Mobile Subscriber Identity (IMSI) of cell phones. Your request was made pursuant to the California Public Records Act (the Act).

The Los Angeles Police Department (the Department) is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government’s possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public’s right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255.

I am responding to your request as follows:

Item No. 1

A copy of any LAPD internal policies, guidelines or standards for police use of an IMSI device.

Item No. 2

If the documents requested in Question 1 are withheld or do not exist, all other records sufficient to show the policies, guidelines or standards in effect for LAPD use of an IMSI device.
Item No. 3

Records sufficient to show whether judicial authorization is obtained for LAPD deployment and use of an IMSI device and the type of judicial authorization obtained. In lieu of furnishing responsive records, you may answer the questions: a) Does the LAPD obtain judicial authorization for use of an IMSI device?; and, if yes, b) what is the type (or types) of authorization obtained?

With respect to Items No. 1, 2 and 3, staff from the Department’s Major Crimes Division conducted a search and has located documents responsive to your request. I will provide you with the documents upon receipt of the applicable duplicating fee. Please see the enclosed invoice for details on the documents to be provided and information on obtaining the documents.

An additional document has also been located; however, a review of the document is currently being conducted to determine if the document or any portion(s) of the document will be provided. I will advise you of the availability of this document when the review is completed.

Item No. 4

Records sufficient to show, for the time period June 1 – September 30, 2012, the frequency of LAPD’s deployment and use of an IMSI device. In lieu of furnishing responsive records, you may answer the question: During the time period, how many different cell phone numbers were subjected to identification and collection of information by or for the LAPD by use of an IMSI device?

During the time period provided in your request, 21 cell phone numbers were subjected to the deployment of an IMSI device. A further breakdown of the nature of each of the 21 cases is provided in a transmittal from the Department’s Major Crimes Division. I will provide you with a copy of this transmittal upon receipt of the applicable duplicating fee. Please see the enclosed invoice for details on the documents to be provided and information on obtaining the documents. To the extent your request seeks the production of any underlying records reflecting such deployments, they are exempt from disclosure pursuant to Section 6254(f) of the Act, which provides that records of investigations conducted by, or investigatory files compiled by, any local police agency for law enforcement purposes, are exempt from disclosure. The records in question are either investigatory records, or properly part of an investigative file, and as such, shall not be provided.

Item No. 5

Records sufficient to show, for the time period June 1 – September 30, 2012, all LAPD uses of an IMSI device in which LAPD personnel eavesdropped on conversation. In lieu of furnishing responsive records, you may answer the question: for the time period June 1 – September 30, 2012, how many LAPD uses of an IMSI device involved LAPD personnel eavesdropping on conversation?
There are no records responsive to this portion of your request. Moreover, there were no uses of an IMSI device that involved the eavesdropping of conversations.

**Item No. 6**

**Records sufficient to identify all prosecutions or other judicial proceedings initiated by the LAPD or LA District Attorney during 2011 in which information was filed in, or furnished to, the Superior Court (LA County) derived from LAPD’s use of an IMSI device.**

In lieu of furnishing responsive records, you may answer the question: Identify all prosecutions or other judicial proceedings initiated by the LAPD or LA District Attorney during 2011 in which information was filed in, or furnished to, the Superior Court (LA County) derived from LAPD’s use of an IMSI device.

The deployment of an IMSI device is undertaken as a support function for geographic division and specialized unit investigations throughout the Department. As such, there is no centralized repository for records (or information) responsive to your request. It would be significantly and unduly burdensome, as interpreted in the “public interest” provision of Section 6255, for Department staff to search for and review every investigative record and query the respective investigating officer in order to obtain records or information responsive to your request. Therefore, I am denying this portion of your request.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department - Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions regarding this correspondence, please contact Management Analyst David Lee of the Discovery Section at (213) 978-2152.

Very truly yours,

CHARLIE BECK
Chief of Police

[Signature]

MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Enclosure
## LOS ANGELES POLICE DEPARTMENT
### LEGAL AFFAIRS DIVISION – DISCOVERY SECTION

### INVOICE FOR

- **X** PUBLIC RECORDS
- **☐** BOR ADMINISTRATIVE RECORD

**Requested By:** Donal Brown  
**Date:** 12/14/12

**Officer/Serial No.:** Not applicable  
**Box File No.:** Not applicable

**CPRA Reference No.:** C12-1000012  
**Analyst:** David Lee

### Documents Provided

<table>
<thead>
<tr>
<th>Document Description</th>
<th>Pages</th>
<th>Fee*</th>
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<tbody>
<tr>
<td>United States Code 18, Sec. 2518 – Procedure for Interception of Wire, Oral or Electronic Communications</td>
<td>6</td>
<td>.60</td>
</tr>
<tr>
<td>Chief of Detectives Notice, October 16, 2012 – Cellular Telephone Tracking Requests</td>
<td>1</td>
<td>.10</td>
</tr>
<tr>
<td>Technical Support Unit Guidelines for Cellular Investigations</td>
<td>3</td>
<td>.30</td>
</tr>
<tr>
<td>Correspondence, dated December 3, 2012, from Major Crimes Division</td>
<td>1</td>
<td>.10</td>
</tr>
<tr>
<td>Cellular Court Order &amp; Application Procedures</td>
<td>1</td>
<td>.10</td>
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<tr>
<td>Application Form</td>
<td>3</td>
<td>.30</td>
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<tr>
<td>Emergency Order – criminal exemplar</td>
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<tr>
<td>Emergency Order – non-criminal exemplar</td>
<td>4</td>
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<tr>
<td>Major Crimes Division Technical Support Unit PowerPoint training</td>
<td>10</td>
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</tr>
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</table>

**TOTAL** 3.20

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* Govt Code Section 6253(b)  
  Govt Code Section 6253.9(b)  
  Admin Code, Div 12, Chapter 2, Art 4  
  Admin Code, Div 22, Chapter 11, Art 8

Make your check/money order payable to the LAPD. If you wish, you may obtain the documents at our public counter. Please ask to speak with the assigned analyst. Please note that only checks or money orders are accepted at the counter.

**Pick-up Hours:** 8:00 a.m. – 4:30 p.m.  
**Location:** LAPD – Discovery Section  
201 N. Los Angeles St., Space 301  
Los Angeles, CA 90012

**Note:** Please include “CPRA-DL” and the CPRA reference number on your check/money order. If you have any questions, please contact Management Analyst David Lee at (213) 978-2152.
December 28, 2012

Mr. Donal Brown
First Amendment Coalition
534 Fourth Street, Suite B
San Rafael, California 94901

Dear Mr. Brown:

This correspondence confirms the receipt of payment and transmittal of the records identified in my December 14, 2012, response to your request for materials pertaining to a type of cell phone tracking system for identifying the International Mobile Subscriber Identity (IMSI) of cell phones.

I also indicated that a review of a document was being conducted to determine if the document or any portion of the document would be provided to you. The review has been completed and it has been determined that the document is not responsive to your request.

Any correspondence regarding this matter should include a copy of this letter and be directed to the Los Angeles Police Department - Discovery Section, 201 North Los Angeles Street, Space 301, Los Angeles, California 90012. If you have any questions regarding this correspondence, please contact Management Analyst David Lee of the Discovery Section at (213) 978-2152.

Very truly yours,

CHARLIE BECK
Chief of Police

MARTIN BLAND, Senior Management Analyst
Officer-in-Charge, Discovery Section
Legal Affairs Division

Enclosures
§ 2518. PROCEDURE FOR INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC COMMUNICATIONS

(1) Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication under this chapter shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant’s authority to make such application. Each application shall include the following information:

(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including

(i) details as to the particular offense that has been, is being, or is about to be committed;

(ii) except as provided in subsection (11), a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted;

(iii) a particular description of the type of communications sought to be intercepted;

(iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire, oral, or electronic communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.
(2) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

(3) Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire, oral, or electronic communications within the territorial jurisdiction of the court in which the judge is sitting (and outside that jurisdiction but within the United States in the case of a mobile interception device authorized by a Federal court within such jurisdiction), if the judge determines on the basis of the facts submitted by the applicant that—

(a) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 2516 of this chapter;

(b) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception;

(c) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) except as provided in subsection (11), there is probable cause for belief that the facilities from which, or the place where, the wire, oral, or electronic communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person.

(4) Each order authorizing or approving the interception of any wire, oral, or electronic communication under this chapter shall specify—

(a) the identity of the person, if known, whose communications are to be intercepted;

(b) the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

(c) a particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;

(d) the identity of the agency authorized to intercept the communications, and of the person authorizing the application; and

(e) the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

An order authorizing the interception of a wire, oral, or electronic communication under this chapter shall, upon request of the applicant, direct that a provider of wire or electronic communication service, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such service provider, landlord, custodian, or person is owing to the person whose communications are to be intercepted. Any provider of wire or electronic communication service, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant for reasonable expenses incurred in providing such facilities or assistance. Pursuant to section 2522 of this chapter, an order may also be issued to enforce the assistance capability and capacity requirements under the Communications Assistance for Law Enforcement Act.
(5) No order entered under this section may authorize or approve the interception of any wire, oral, or electronic communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Such thirty-day period begins on the earlier of the day on which the investigative or law enforcement officer first begins to conduct an interception under the order or ten days after the order is entered. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (1) of this section and the court making the findings required by subsection (3) of this section. The period of extension shall be no longer than the authorizing Judge deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event in thirty days. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after such interception. An interception under this chapter may be conducted in whole or in part by Government personnel, or by an individual operating under a contract with the Government, acting under the supervision of an investigative or law enforcement officer authorized to conduct the interception.

(6) Whenever an order authorizing interception is entered pursuant to this chapter, the order may require reports to be made to the Judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the Judge may require.

(7) Notwithstanding any other provision of this chapter, any investigative or law enforcement officer, specially designated by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or by the principal prosecuting attorney of any State or subdivision thereof acting pursuant to a statute of that State, who reasonably determines that—

(a) an emergency situation exists that involves—

(i) immediate danger of death or serious physical injury to any person,

(ii) conspiratorial activities threatening the national security interest, or

(iii) conspiratorial activities characteristic of organized crime,

that requires a wire, oral, or electronic communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and

(b) there are grounds upon which an order could be entered under this chapter to authorize such interception,

may intercept such wire, oral, or electronic communication if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception has occurred, or begins to occur. In the absence of an order, such interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event such application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire, oral, or electronic communication intercepted shall be treated as having been obtained in violation of this chapter, and an inventory shall be served as provided for in subsection (d) of this section on the person named in the application.
(8)

(a) The contents of any wire, oral, or electronic communication intercepted by any means authorized by this chapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire, oral, or electronic communication under this subsection shall be done in such a way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsections (1) and (2) of section 2517 of this chapter for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire, oral, or electronic communication or evidence derived therefrom under subsection (3) of section 2517.

(b) Applications made and orders granted under this chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for ten years.

(c) Any violation of the provisions of this subsection may be punished as contempt of the issuing or denying judge.

(d) Within a reasonable time but not later than ninety days after the filing of an application for an order of approval under section 2518 (7)(b) which is denied or the termination of the period of an order or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge may determine in his discretion that is in the interest of justice, an inventory which shall include notice of—

(1) the fact of the entry of the order or the application;

(2) the date of the entry and the period of authorized, approved or disapproved interception, or the denial of the application; and

(3) the fact that during the period wire, oral, or electronic communications were or were not intercepted.

The judge, upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge of competent jurisdiction the serving of the inventory required by this subsection may be postponed.

(9) The contents of any wire, oral, or electronic communication intercepted pursuant to this chapter or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a Federal or State court unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the
above information ten days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

(10) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, may move to suppress the contents of any wire or oral communication intercepted pursuant to this chapter, or evidence derived therefrom, on the grounds that—

(i) the communication was unlawfully intercepted;

(ii) the order of authorization or approval under which it was intercepted is insufficient on its face; or

(iii) the interception was not made in conformity with the order of authorization or approval.

Such motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this chapter. The judge, upon the filing of such motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

(b) In addition to any other right to appeal, the United States shall have the right to appeal from an order granting a motion to suppress made under paragraph (a) of this subsection, or the denial of an application for an order of approval, if the United States attorney shall certify to the judge or other official granting such motion or denying such application that the appeal is not taken for purposes of delay. Such appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

(c) The remedies and sanctions described in this chapter with respect to the interception of electronic communications are the only judicial remedies and sanctions for nonconstitutional violations of this chapter involving such communications.

(11) The requirements of subsections (1)(b)(ii) and (3)(d) of this section relating to the specification of the facilities from which, or the place where, the communication is to be intercepted do not apply if—

(a) in the case of an application with respect to the interception of an oral communication—

(i) the application is by a Federal investigative or law enforcement officer and is approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, an Assistant Attorney General, or an acting Assistant Attorney General;

(ii) the application contains a full and complete statement as to why such specification is not practical and identifies the person committing the offense and whose communications are to be intercepted; and

(iii) the judge finds that such specification is not practical; and
(b) In the case of an application with respect to a wire or electronic communication—

(i) the application is by a Federal Investigative or law enforcement officer and is approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, an Assistant Attorney General, or an acting Assistant Attorney General;

(ii) the application identifies the person believed to be committing the offense and whose communications are to be intercepted and the applicant makes a showing that there is probable cause to believe that the person’s actions could have the effect of thwarting interception from a specified facility;

(iii) the judge finds that such showing has been adequately made; and

(iv) the order authorizing or approving the interception is limited to interception only for such time as it is reasonable to presume that the person identified in the application is or was reasonably proximate to the instrument through which such communication will be or was transmitted.

(12) An interception of a communication under an order with respect to which the requirements of subsections (1)(b)(ii) and (3)(d) of this section do not apply by reason of subsection (1)(a) shall not begin until the place where the communication is to be intercepted is ascertained by the person implementing the interception order. A provider of wire or electronic communications service that has received an order as provided for in subsection (11)(b) may move the court to modify or quash the order on the ground that its assistance with respect to the interception cannot be performed in a timely or reasonable fashion. The court, upon notice to the government, shall decide such a motion expeditiously.
IN THE MATTER OF THE APPLICATION OF THE PEOPLE OF THE STATE OF CALIFORNIA FOR AN ORDER AUTHORIZING THE USE OF A PEN REGISTER AND A TRAP-AND-TRACE DEVICE ON TELEPHONE LINE CURRENTLY DESIGNATED BY TELEPHONE NUMBER:  

Telephone Number 1  

Rank FIRST Name LAST Name, of the Los Angeles Police Department, hereby applies to the Court for an Order (1) authorizing the use of a PEN register on the telephone lines currently designated by the number: Telephone Number 1 (the “Telephone Line”); (2) authorizing the use of a trap-and-trace device on the Telephone Line; and (3) requiring the disclosure of subscriber name and address, whether listed or unlisted, for numbers called by the Telephone Line or numbers calling the Telephone Line, or found during investigation of this case upon oral or written demand of agents of the Los Angeles Police Department. In support of this application, he states the following:

1) I am a Rank for the Los Angeles Police Department and request an Order authorizing the installation and use of a PEN register and a trap-and-trace device, and the disclosure of subscriber information.  

2) I certify that the Los Angeles Police Department is conducting a criminal investigation of Penal Code NAME in connection with possible violations of Penal Code SECTION #. It is believed that the below named persons and other unknowns are using the Telephone Lines in furtherance of the subject offenses and that the information likely to be obtained from the PEN register and the trap-and-trace devices is relevant to the ongoing criminal investigation being conducted by the above-named agency.

AFFIDAVIT

Type your Probable Cause

TELEPHONE NUMBER INFORMATION

Briefly explain how you obtained the Telephone Number

3) I, the applicant, request that the Court issue an Order authorizing the installation and use of a PEN register to register numbers dialed or pulsed from the telephone line to record the date and time of such dialing’s or pulsing and to record the length of the time the telephone receiver in question is off the hook for incoming calls for a period of 60 days.

4) Applicant further requests that the Order authorize the installation in use of a trap-and-trace device on the telephone line to record the telephone numbers calling the Telephone Line.

Page 1 of 3

8-3-2011  

LAPD Supervisor: Initials ______ Serial# ______
5) Applicant is aware that individuals involved in criminal and/or narcotic trafficking commonly change their phone numbers in order to defeat surveillance by law enforcement. Applicant understands that a PEN register is defined as a device which records or decodes electronic or other impulses that identify the numbers dialed or otherwise transmitted on the telephone lines to which such devices attached.

Therefore, as PEN registers are defined with respect to telephone lines, not with respect to numbers or subscribers, and as the government has information showing that the locations from which the PEN registers are requested, are being used for criminal purposes, the applicant requests that this Order for the PEN register is to remain in force in the event that the numbers or subscribers to the Telephone Line are changed.

6) Applicant further requests that the Order direct furnishments of information, facilities, and technical assistance necessary to accomplish the installation of the PEN register, trap and trace device, and location information including installation and operation of the device unobtrusively and with the minimum of disruption of the normal telephone service. The wire communication service providers shall be compensated by the Los Angeles Police Department for a reasonable expense incurred in providing such facilities and technical assistance.

7) Applicant further requests Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless and any other affected telephone companies, long-distance carriers, Information Service Provider, Internet Service Providers, VOIP Providers and any other service provider be ordered to supply any and all information in their files with respect to persons called by the Telephone Line and persons calling the Telephone Line (except for the contents of communications), and any other number discovered during this investigation, whether published or non-published, including but not limited to subscriber names and addresses, driver’s license numbers, Social Security numbers, application information, and billing information, for historical records of 60 days prior to this court order, upon oral or written demand of agents of the Los Angeles Police Department.

8) Applicant further requests that this Order and Application be sealed until otherwise ordered by the court, and that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless and any other affected companies shall not disclose the existence of the PEN register, the trap-and-trace device, or the investigation to the listed subscribers or to any other person, unless or until otherwise ordered by the court.

WHEREFORE, it is respectfully requested that the Court grant an Order for a period of 60 days from the date hereof; (1) authorizing the installation and use of a PEN register to register numbers dialed or pulsed from the Telephone Line; (2) authorizing the installation and use of a trap-and-trace device to record the telephone numbers of telephone instruments calling the Telephone Line including location information; (3) directing Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless and any other affected telephone companies to forthwith furnish agents of the Los Angeles Police Department with all information, facilities, and technical assistance necessary to accomplish the installation of the PEN register and trap-and-trace device; (4) directing Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless and any other affected telephone companies, Information Service Providers, Internet Service Providers, long-distance carriers and VOIP Providers to supply subscriber names and addresses for persons called by the Telephone Line, calling in and any other number identified during the investigation whether listed or unlisted, upon oral or written demand of agents of the Los Angeles Police Department; and (5) sealing this application and Court’s Order.

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

Page 2 of 3

8-3-2011 LAPD Supervisor: Initials ______ Serial# ______
EXECUTED:  **Date (eg. July 27, 2011)**

SIGNATURE: ____________________________, Rank FIRST Name LAST Name
Los Angeles Police Department
SUPERIOR COURT DISTRICT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

IN THE MATTER OF THE APPLICATION )
OF THE PEOPLE OF THE STATE OF )
CALIFORNIA FOR AN ORDER )
AUTHORIZING THE USE OF A PEN )
REGISTER AND A TRAP-AND-TRACE )
DEVICE ON TELEPHONE LINE CUR-
RENTLY DESIGNATED BY TELEPHONE )
NUMBER: )
)

) DR #
EMERGENCY ORDER (UNDER SEAL)

This matter having come before the Los Angeles County Superior Court by Rank FIRST Name LAST Name, whose probable cause application requests an Order pursuant to USC Title 18, 2703d authorizing the installation and use of a PEN register and trap-and-trace device on the following telephone lines:

a)

b) The “Telephone Lines,” the Court finds that the applicant has certified that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation of Penal Code NAME in connection with possible violations of Penal Code SECTION #

IT APPEARING that probable cause exists to believe that those named in the application are involved in the commission of Penal Code NAME, Penal Code SECTION # and/or using the telephone line in furtherance of the commission of Penal Code NAME, Penal Code SECTION # and the numbers dialed or pulsed from the Telephone Line are relevant to an ongoing criminal investigation of the specified offenses;

IT IS ORDERED, pursuant to the Los Angeles County Superior Court, that the agents of the Los Angeles Police Department, San Bernardino County Sheriff’s Department, and/or any other law enforcement agency may install and use the PEN register to register numbers dialed or pulsed from the Telephone Line to record the date and time of such dialing or pulsing, and to record the length of time the telephone receiver in question is off the hook for incoming or outgoing calls without geographical limitations to include the entire United States, for a period of 60 days from date of this order; and

IT IS ORDERED, that detectives or authorized civilians of the Los Angeles Police Department, San Bernardino County Sheriff’s Department, and/or any other law enforcement agency may install and use a trap-and-trace device on the Telephone Line to record the telephone numbers calling or being called to the Telephone Line, and all other functions and capabilities of the target device(s) including but not limited to all wireless digital functions, wireless analog functions, digital dispatch functions and automatic mode switching functions if available without geographical limitations to include the entire United States.

IT IS ORDERED that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless, Google, Skype Communications SARL, Blackberry (RIM) and any and all telecommunications

Page 1 of 3

8-3-2011

LAPD Supervisor: Initials _____ Serial# _____
providers subject to regulation by the Federal Communications Commission to provide telecommunications services within the United States of America, as listed on an ongoing basis on FCC Form 499-A (hereinafter referred to as “Telecommunications Companies”), or Internet Service Providers (hereinafter referred to as ISP), VOIP Providers and any other service provider shall furnish information, facilities, and technical assistance 24 hours a day, 7 days a week, necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption of normal telephone service.

IT IS ORDERED that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless, Google, Skype Communications SARL, Blackberry (RIM) shall activate and provide caller ID information and any calling features such as call forwarding and speed dialing currently assigned to the phone number, if available.

IT IS ORDERED that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless, Google, Skype Communications SARL, Blackberry (RIM) and any other Telecommunications company, ISP, VOIP Provider shall provide cell site data and/or GPS location information including, but not limited to, cell site location (physical address) of call initiation, call termination, and call progress locations (Automated Message Accounting Data) connected to the use of each target telephone and any and all cellular telephones called or being called by each target number without geographical limitations, pursuant to Title 18 USC Section 2703(D). Such service provider shall initiate a signal to determine the location of the subject’s mobile device on the service provider’s network or with such other reference points as may be reasonable, available and at such intervals and times as directed by the law enforcement agent serving this order for a period of (60) days.

IT IS ORDERED that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless, Google, Skype Communications SARL, Blackberry (RIM) and any other Telecommunications Company, Internet Service Provider, VOIP Providers and any other service providers, provide toll information, Call Detail Records (CDR’s), including any and all historical data for a period of 60 days prior to the date of this order and/or for the duration of this order, originating and terminating call detail, ESN, IMSI, IMEI, MIN, MSID, and SIM numbers or other equipment identifying information to include: any other phones, phone numbers associated with the account and/or phone number changes, buddy list, and cell site location information from any and all telephones called or being called by each target number, any numbers discovered thru the investigation and the target number if available and shall provide that information within 48 hours of request from Law Enforcement when requested verbally or in writing.

IT IS ORDERED that the PEN register trap-and-trace devices on the Telephone Line are to be continued to be authorized in spite of the fact that the subscriber or the number of the Telephone Line may change; further, it is ordered that the affected telephone company notify the Los Angeles Police Department and/or San Bernardino County Sheriff’s Department regarding any changes of the number or subscriber of the Telephone Line.

IT IS ORDERED that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless, Google, Skype Communications SARL, Blackberry (RIM) and any and all telecommunications providers, ISP, or VOIP Provider, providing service to the target telephone(s) to continue to provide service to the target telephone(s) for the duration of the intercept, regardless of unpaid balances, the telecommunication Companies, ISP, and VOIP Providers be ordered to not disclose to the target subject(s) the fact that the service was continued in spite of unpaid balances. In the event the telecommunications, ISP, VOIP Provider continue to provide service to the target telephone(s) regardless of unpaid balance, and the target subject(s) do not pay for the continued service, the telecommunications

Page 2 of 3

8-3-2011 LAPD Supervisor: Initials ______ Serial# ______
companies shall be compensated by the agency executing the court order of the service that was continued regardless of unpaid balances, pursuant to the court’s order.

IT IS ORDERED, pursuant to the Los Angeles County Superior Court, that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless, Google, Skype Communications SARL, Blackberry (RIM) and any other affected telephone companies and long-distance carriers shall be compensated by the Los Angeles Police Department for reasonable expenses incurred, complying with the Court’s Order.

IT IS FURTHER ORDERED that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless, Google, Skype Communications SARL, Blackberry (RIM) and any other affected telephone companies, long-distance carriers, ISP, VOIP Provider and any other service provider shall supply any and all information in their files with respect to persons called by the Telephone Line, the current telephone line, for persons calling the Telephone Line, and any other number that is identified thru this investigation whether published or non-published, including but not limited to subscriber names and addresses, driver’s license numbers, date of birth, Social Security numbers, application information, credit information and billing information, and any other phones, calling plan, start and stop dates, ESN, IMSI, IMEI, MIN, MSID and SIM numbers, buddy list subscribed by the requested subscriber, information related to Blackberry Enterprise server (BES) including IP address, domain, subscriber information of BES, and any other users that are attached to the BES upon oral or written demand of agents of the Los Angeles Police Department; and shall provide that information within 48 hours of request from Law Enforcement.

IT IS FURTHER ORDERED that this Order and the application be sealed until otherwise ordered by the Court, and that Sprint Nextel, AT&T Wireless, T-Mobile, Metro PCS, (or) Verizon Wireless, Google, Skype Communications SARL, Blackberry (RIM), and any other affected Telecommunications companies, ISP, VOIP Provider and any other service providers shall not disclose the existence of the PEN register, the trap-and-trace device, or the existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the Court.

DATED: ____________________

________________________________________________________
CALIFORNIA SUPERIOR COURT JUDGE

________________________________________________________
SIGNATURE

Page 3 of 3

8-3-2011            LAPD Supervisor: Initials _____ Serial# _____
CHIEF OF DETECTIVES

NOTICE
8.4

October 16, 2012

TO: All Commanding Officers

FROM: Chief of Detectives

SUBJECT: CELLULAR TELEPHONE TRACKING REQUESTS

The law regarding the use of cellular and GPS tracking is evolving. Protocols governing cellphone tracking requests are necessary to ensure Department personnel are abiding by the most current case law.

This Notice pertains only to requests for the tracking of cellular telephones for investigative or public safety purposes by use of court orders or under exigent circumstances. The following Notice does not affect the procedure for requesting “historical cellular telephone data” through the use of a search warrant.

All Department personnel are directed to adhere to the following process/procedure when initiating a request to cellular providers (i.e., Verizon, Sprint, AT&T, etc.) for cellular telephone tracking pursuant to a court order or under exigent circumstances.

All requests for cellular tracking, made concurrent with an investigation (whether by use of a court order or under an exigent circumstances process), shall be directed through RACR. Department personnel shall not contact phone companies directly to initiate cellular telephone tracking. Major Crimes Division will determine the appropriate entity to handle.

Exception: Los Angeles Police Department investigators who are credentialed and working in a federal task force may continue to follow their existing protocols for phone tracking, monitoring, and obtaining phone records.

Should you have any questions regarding this matter, please contact Lieutenant [redacted], Officer-in-Charge, Surveillance Support Section, Technical Support Unit, Major Crimes Division, at (213) [redacted]

APPROVED:

KIRK J. ALBANESE, Deputy Chief
Chief of Detectives

STEPHEN R. JACOBS, Deputy Chief
Chief of Staff
Office of the Chief of Police
READ THIS FIRST
Cellular Court Order & Application Procedures
~ Major Crimes Division ~ Technical Support Unit

CRITICAL: Do not open these attachments from within GroupWise or any other email application. Download the attachments to a location of your choice on your computer (e.g. My Documents). This can generally be accomplished by RIGHT-CLICKING on the document and selecting 'Save As'.

Attached are Blank Templates of an Application and the Court Order. Follow these steps in this order (steps 1-3 take approx. 10-15 minutes)

1. Complete the Application. 'Tab' your way through the document and copy/paste info from other documents, as needed.

2. Complete the Court Order. 'Tab' your way through this one also.

3. Email these documents back to me at (TSU Ito Email). Call me to let me know you sent them.

I, or another member assigned to MCD TSU, will review your App/Order. If necessary, you will make any corrections and be given the go-ahead for a judge’s signature. The judge will want to read your Application.

IF YOU ARE ASKED BY ANYONE TO CHANGE THE ORIGINAL CONSTRUCTION OF WORDS IN THE APPLICATION OR COURT ORDER, RESPECTFULLY ASK THAT PERSON TO CALL ME ON MY CELL PHONE.

4. After obtaining the judge's signature, FAX THE TWO DOCUMENTS SEPARATELY BY DIALING OUR FAX NUMBER TWICE (Fax#)

5. CALL ME to let me know you faxed them. I will then be able to deliver the Court Order to our contact at the cellular carrier(s).

Unless assigned to Major Crimes Division's Technical Support Unit, attempting to process this Court Order can lead to critical delays in your investigation and is a violation of Special Order #7, dated 2-27-09. Call me if you have any questions, or you can always call RACR Division at (213) and ask for the On-call Cellular Tracking person assigned to Major Crimes Division.

Los Angeles Police Department
Major Crimes Division
Technical Support Unit
Fax: (888) Desk: (213)
Email:
SUPERIOR COURT DISTRICT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

IN THE MATTER OF THE APPLICATION ) Case No. DR #
OF THE PEOPLE OF THE STATE OF ) EMERGENCY ORDER
CALIFORNIA FOR AN ORDER ) (U N D E R S E A L)
AUTHORIZING THE USE OF A PEN )
REGISTER AND A TRAP-AND-TRACE )
DEVICE ON TELEPHONE LINE CUR- )
RENTLY DESIGNATED BY TELEPHONE )
NUMBER: )

Target Number – Click to Chose Carrier

This matter having come before the Los Angeles County Superior Court by Rank & Name (eg. Detective John Spires), whose application requests an Order pursuant to U.S.C. Title 18 2703(d) authorizing the installation and use of a PEN register and trap-and-trace device on the following telephone lines:

a) Target Number

b) The “Telephone Lines,” the Court finds that the applicant has certified that the information likely to be obtained by such installation and use is relevant to an ongoing public safety investigation of Penal Code or WIC NAME in connection with possible violations of Penal Code or WIC SECTION #

IT APPEARING that probable cause exists to believe that those named in the application are involved in the commission of Penal Code or WIC NAME, Penal Code or WIC SECTION # and/or using the telephone line in furtherance of the commission of Penal Code or WIC NAME, Penal Code or WIC SECTION # and the numbers dialed or pulsed from the Telephone Line are relevant to an ongoing criminal investigation of the specified offenses;

IT IS ORDERED, pursuant to the Los Angeles County Superior Court, that the agents of the Los Angeles Police Department, the San Bernardino County Sheriffs Department, and/or any other law enforcement agency may install and use the PEN register to register numbers dialed or pulsed from the Telephone Line to record the date and time of such dialing or pulsing, and to record the length of time the telephone receiver in question is off the hook for incoming or outgoing calls without geographical limitations to include the entire United States, for a period of 60 days from date of this order; and IT IS ORDERED, that detectives or authorized civilians of the Los Angeles Police Department, San Bernardino County Sheriffs Department, and/or any other law enforcement agency may install and use a trap-and-trace device on the Telephone Line.
to record the telephone numbers calling or being called to the Telephone Line, and all other functions and capabilities of the target device(s) including but not limited to all wireless digital functions, wireless analog functions, digital dispatch functions and automatic mode switching functions if available without geographical limitations to include the entire United States.

IT IS ORDERED that Click to Chose Carrier, and any and all telecommunications providers subject to regulation by the Federal Communications Commission to provide telecommunications services within the United States of America, as listed on an ongoing basis on FCC Form 499-A (hereinafter referred to as “Telecommunications Companies”), or Internet Service Providers (hereinafter referred to as ISP), VOIP Providers and any other service provider shall furnish information, facilities, and technical assistance 24 hours a days, 7 days a week, necessary to accomplish the installation and operation of the devices unobtrusively and with a minimum of disruption of normal telephone service.

IT IS ORDERED that Click to Chose Carrier shall activate and provide caller ID information and any calling features such as call forwarding and speed dialing currently assigned to the phone number, if available.

IT IS ORDERED that Click to Chose Carrier and any other Telecommunications company, ISP, VOIP Provider shall provide cell site data and/or GPS location information including, but not limited to, cell site location (physical address) of call initiation, call termination, and call progress locations (Automated Message Accounting Data) connected to the use of each target telephone and any and all cellular telephones called or being called by each target number without geographical limitations, pursuant to Title 18 USC Section 2703(D). Such service provider shall initiate a signal to determine the location of the subject's mobile device on the service provider's network or with such other reference points as may be reasonable available and at such intervals and times as directed by the law enforcement agent serving this order.

IT IS ORDERED that Click to Chose Carrier and any other Telecommunications Company, Internet Service Provider, VOIP Providers and any other service providers, provide toll information, Call Detail Records (CDR’s), including any and all historical data for a period of 60 days prior to the date of this order and/or for the duration of this order, originating and terminating call detail, ESN, IMSI, IMEI, MIN, or other equipment identifying information, buddy list, and cell site location information from any and all telephones called or being called by each target number, any numbers discovered thru the investigation and the target number if available and shall provide that information within 48 hours of request from Law Enforcement.
IT IS ORDERED that **Click to Choose Carrier**, and any other Telecommunications Company, Internet Service Provider, VOIP Providers and any other service providers, provide SMS (text messages) from target number within reasonable amount of time after SMS (text messages) have been sent or received and deemed stale by provider.

IT IS ORDERED that **Click to Choose Carrier**, and any other Telecommunications Company, Internet Service Provider, VOIP Providers and any other service providers, provide contact lists, photographs, videos, SMS (text messages), any other communication stored within the internal memory of said cell-phone of target number, including personal unlock codes.

IT IS ORDERED that the PEN register trap-and-trace devices on the Telephone Line are to be continued to be authorized in spite of the fact that the subscriber or the number of the Telephone Line may change; further, it is ordered that the affected telephone company notify the San Bernardino County Sheriffs Department regarding any changes of the number or subscriber of the Telephone Line.

IT IS ORDERED, pursuant to the Los Angeles County Superior Court, that **Click to Choose Carrier** and any other affected telephone companies and long-distance carriers shall be compensated by the Los Angeles Police Department for reasonable expenses incurred, complying with the Court’s Order.

IT IS FURTHER ORDERED that **Click to Choose Carrier** and any other affected telephone companies, long-distance carriers, ISP, VOIP Provider and any other service provider shall supply any and all information in their files with respect to persons called by the Telephone Line, the current telephone line, for persons calling the Telephone Line, and any other number that is identified thru this investigation whether published or non-published, including but not limited to subscriber names and addresses, driver’s license numbers, Social Security numbers, application information, credit information and billing information, and any other phones, calling plan, start and stop dates, ESN, IMSI, IMEI, MIN, SIM and IP numbers and buddy list subscribed by the requested subscriber upon oral or written demand of agents of the Los Angeles Police Department; and shall provide that information within 48 hours of request from Law Enforcement.

IT IS FURTHER ORDERED that this Order and the application be sealed until otherwise ordered by the Court, and that **Click to Choose Carrier** and any other affected Telecommunications companies, ISP, VOIP Provider and any other service providers shall not disclose the existence of the PEN register, the trap-and-trace device, or the
existence of the investigation to the listed subscriber or to any other person, unless or until otherwise ordered by the Court.

DATE: _____________________ TIME: _____________________

_____________________________
CALIFORNIA SUPERIOR COURT JUDGE

_____________________________
SIGNATURE
December 3, 2012
15.2

TO: Commanding Officer, Risk Management Division

FROM: Commanding Officer, Major Crimes Division

SUBJECT: FREEDOM OF INFORMATION ACT

An analysis was done in response to the September 29th 2012 letter from First Amendment Coalition requesting information regarding cell phone tracking. Specifically, the letter was requesting any and all information regarding the Department’s use of devices that identify the International Mobile Subscriber Identity (IMSI). The following is Major Crimes Division’s response to the Discovery Unit.

Item 1-3. These items have been previously addressed in a prior series of documents that were prepared and distributed to the Discovery Unit on 9-20-2012.

Item 4. During the time period between June 1st 2012 and September 30th 2012 records indicate that out of 155 cellular phone investigation cases an IMSI device was deployed approximately 21 times. (See below for case breakdown)

Homicide (5) cases  Human Trafficking (1) case
Kidnapping (3) cases  Robbery (1) case
Attempt Murder (2) cases  Burglary (1) case
Suicide (2)  Stalking (1) case
Missing (2) cases  Fugitive (1) case
Rape (1) case  Narcotics (1) case

Item 5. Zero/None.

Item 6. Technical Support Unit serves in a support function to geographical divisions and specialized units within the Department. As such, Major Crimes Division has no records which are responsive to this request.

Should you have any questions, please contact Detective II [REDACTED] Major Crimes Division, at (213) [REDACTED].

STEVEN S. SAMBAR, Captain
Commanding Officer
Major Crimes Division
Usable data
Measurement but may not provide

(Tower hits only)

Verizon has Round Trip Delay

Precise hits on the handset

Electronic Communication

MetroPCS

Verizon

T-Mobile

AT&T

Sprint

Technical Support Unit

Major Crimes Division
dramatically. This can vary

The red circle represents

T-Mobile

AT & T

Sprint

- Precision Hits Example -

Technical Support Unit

Major Crimes Division

LOS ANGELES POLICE DEPARTMENT
nation... on a Friday night... which creates significant delays.

Times when Metropolis has had 3 analysts working their call center for the entire hits. This may take up to 24 hours based on the carrier's staffing. There has been application. TSU coordinates with the carrier and sets up the variables to start getting

If the case is not exigent, the IO provides TSU with a signed court order and

Technical Support Unit
Major Crimes Division
The interception has occurred, or begins to occur:

approving the interception is made in accordance with this section within four-eight hours after
may intercept such wire, oral, or electronic communication if an application for an order
may intercept, ‘

(q) there are grounds upon which an order could be entered under this chapter to authorize such

authorizing such interception can, with due diligence, be obtained, and

that requires a wire, oral, or electronic communication to be intercepted before an order

- (iii) conspiratorial activities characteristic of organized crime

- (ii) conspiratorial activities threatening the national security interest or

- (i) immediate danger of death or serious physical injury to any person,

- (a) an emergency situation exists that involves

the safety of the United States, who reasonably determines that

generally, or by the principal prosecuting attorney of any state or subdivision thereof acting pursuant to

specifically designated by the attorney general, the deputy attorney general, the associate attorney

(7) knowingly and willfully violating any other provision of this chapter, any investigative or law enforcement officer,

Definition of Emergency

Part 1, Chapter 119, Section 2518, Section 7
Title 18, United States Code

Emergency defined...
Critical missing persons (elderly, victims walking away from homes, missing children,

Kidnap for ransom cases where the victim is proven to be in suspects custody

Typical cases where exigent is appropriate...

- 459 cases where property was taken or where VIPS or high dollar items taken
- Victims will be targeted
- 187 cases where suspect needs to be located but there is no evidence that other
- Street 211 where property was taken (to include cell phones)
- GTA cases where victim's phone is in the car
- Typical cases where divisional 10s want to go exigent include, but are not limited to...

What "exigency" means to us...

Technical Support Unit

Major Crimes Division

Los Angeles Police Department
possible issues

technical support unit

major crimes division
TECHNICAL SUPPORT UNIT GUIDELINES FOR CELLULAR INVESTIGATIONS

I. Case Acquisition

Technical Support Unit (TSU) receives requests for Cellular Investigations through various avenues of including, but not limited to;

a. Phone Calls from RACR (usually off hours)
b. Email (direct to members of TSU)
c. Phone (direct to members of TSU and/or MCD)
d. Other local and federal agencies
e. Command staff directed

II. Cellular Consultations

Technical Support Unit personnel frequently respond to general questions or provide advice regarding cellular investigations and capabilities without generating a case. These consults should be documented in the same manner as a regular cellular investigation, with the exception of creating a case file in the TSU case management system. Rather, consults have their own section in the case management system with an MS Word document which requires minimal information. Specifically, cellular consults require the following;

a. Buying a case number and, completing as many fields as possible on the MS Excel Case #s Form;
b. Creating a case folder, similar to other cellular cases; and
c. Providing an Executive Summary on the Chronological log.

Documenting and tracking cellular consults is essential to preventing or minimizing liability and on more than one occasion, has proven critical to verifying the integrity of an investigation.

III. Case Triage

1. Part 1 Crimes

The Department categorizes Part 1 Crimes under two categories:

<table>
<thead>
<tr>
<th>Violent Crimes</th>
<th>Property Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Homicide</td>
<td>- Burglary</td>
</tr>
<tr>
<td>- Rape</td>
<td>- Grand Theft Auto (GTA)</td>
</tr>
<tr>
<td>- Robbery</td>
<td>- Burglary / Theft from Vehicle (BTFV)</td>
</tr>
<tr>
<td>- Aggravated Assaults</td>
<td>- Personal / Other Theft</td>
</tr>
</tbody>
</table>

Cellular investigations involving violent crimes should be handled before to property crimes.

IV. Case Procedures

Prepared by Det. III [Redacted] 11-26-12
After determining an investigating officer has viable cellular investigation, TSU personnel will provide the investigating officer with a “Read This First” file explaining the process for obtaining a court order for access to cell phone information to track a phone. This file includes a blank application template and a blank court order for both, criminal and non-criminal cases.

V. **Exigent and Non-Exigent Circumstances**

1. **Exigent Circumstances**

For the purpose of conducting a cellular investigation under exigent circumstances, one or more of the following criteria must be present:

a. At Risk Missing Adult (over 18),
b. At Risk Missing Juvenile (under 18),
c. Immediate Threat to Life or Serious Bodily Injury,
d. Potential of Threat to Life or Serious Bodily Injury

All exigent requests shall be approved by a TSU Supervisor, prior to contact with a cellular carrier. **Note:** A fully executed court order is required within 48 hours after an exigent request to a cellular carrier has been made.

**On-duty personnel** receiving an exigent circumstance request shall immediately document the following information in the case management system;

a. Executive summary of the case/crime being presented
b. Name of the crime being investigated (e.g., Kidnap)
c. Name of investigating Area, Division, Bureau, or Agency
d. Name and serial number of investigating personnel (IO)
e. Contact phone numbers (cellular and landline) of investigating personnel
f. Target phone number(s)
g. DR# (full incident number if DR# is not available) (if available)

Once this information is obtained, the officer receiving the information should commence the cellular investigation unless his/her current caseload or assignments prevent doing so.

**Off-duty personnel** receiving an exigent circumstance request who are not on the cellular standby roster shall gather the aforementioned information and immediately notify the TSU Supervisor on the standby roster for that week. If that person cannot be contacted, another supervisor should be selected and notified. Once contacted and briefed on the case, the supervisor shall determine exigency and assign the case to the appropriate officer. If no such officer is available, the supervisor may authorize overtime for the original officer that receiving the information to handle the request.

**Off-duty personnel** receiving an exigent circumstance request before 1500 hours, Monday through Friday, who are on the cellular standby roster shall gather the aforementioned
information and immediately notify the TSU Supervisor on the standby roster for that week. If that person cannot be contacted, another supervisor should be selected and notified. Once contacted and briefed on the case, the supervisor shall determine exigency and assign the case to the appropriate person. If no such person is available, the supervisor may authorize overtime for the original officer receiving the information to handle the request.

**Off-duty personnel** receiving an exigent circumstance request after 1500 hours, Monday through Friday, who are on the cellular standby roster shall gather the aforementioned minimum information and immediately notify the TSU Supervisor on the standby roster for that week. If that person cannot be contacted, another supervisor should be selected and notified. Once contacted and briefed on the case, the supervisor shall determine exigency. If exigency is determined to exist, the cellular investigation may commence.

2. **Non-Exigent Circumstances**

Non-exigent cases while often more labor intensive than exigent cases, share equal importance with exigent cases.

Non-exigent cases do not require prior approval from a TSU Supervisor. Technical Support Unit personnel receiving a non-exigent case during duty hours should whenever practicable, notify a supervisor concerning the request and commencement of the investigation.

**VI. Missing Persons**

A missing person does not, by itself, constitute an exigency. Technical Support Unit personnel who receive a cellular investigation request from an IO investigating a missing person should first form an initial opinion concerning whether the case is or is not exigent and advise a TSU supervisor.

The existence of exigency shall be determined by a TSU Supervisor not the investigating personnel requesting assistance. This determination shall be based solely on the information provided by the IO at the time it is communicated to TSU.

Cellular investigations related to Missing Persons investigations shall be given priority over cellular investigations relating to property crimes.

*See California Penal Code Section 14213 pertaining to missing persons.*