



Policy 1004

Subject

CELL SITE SIMULATORS

Date Published

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By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to utilize technology that aids in conducting thorough and complete criminal investigations. The purpose of this policy is to provide guidance on the proper use of equipment commonly referred to as a Cell Site Simulator (CSS). This equipment may be utilized by investigators conducting criminal investigations, provided the equipment is used in accordance with this policy and with federal and State law.

CORE PRINCIPLES

Professionalism and Accountability. The proper and consistent use of a Cell Site Simulator to track the location of a Mobile Device and intercept its communication is an invaluable resource available for investigations. BPD members shall document each use of the equipment referenced in this policy.

Data Security. The equipment referenced in this policy is capable of capturing sensitive data. The BPD shall ensure the highest level of security is utilized in securing the data captured by this equipment provided by the Cell Site Simulator Provider. Data captured by this equipment shall only be used for specific criminal investigations. Data captured by this equipment shall not be retained or utilized for the purpose of maintaining a database of information to be utilized for random intelligence or enforcement efforts. This equipment is not permitted to have any live content.

Data Disposal. All data captured from Mobile Devices not listed on the warrant shall be purged within 24 hours of collection.

Prohibited Use. No one outside of SAU can contact a cell provider for live locations, historical, pen, or wire. Any misuse of a Cell Site Simulator and/or the data captured shall be investigated as a matter of misconduct. Any violations of policy or law shall subject a member to disciplinary action.

DEFINITIONS

Cell Site Simulator (CSS) – A device that mimics a cell tower and captures identifying information of Mobile Devices in the range of the CSS.

Cell Site Simulator Provider – Company that provides BPD with Cell Site Simulator hardware and software.

Mobile Device – Any portable computing device that may have a cellular connection to include cell phones, tablets, iPads, and e-readers, etc. that connects to cell towers.

Tracking Order – A court order approved by judicial review based on probable cause authorizing the use of a Cell Site Simulator and access to cellular records judicially similar to a search and seizure warrant.

True Test(ed) Copy – A certified copy of the original Tracking Order that is stamped by an administrative judge or their designee.

DIRECTIVES

Standard Utilization

1. During the course of an investigation, a CSS may be requested to be able to track the location of Mobile Devices. A BPD member may utilize a Cell Site Simulator with prior court authorization.

Primary Detective

2. During the course of an investigation, if the Primary Detective determines that utilization of a Cell Site Simulator would assist in the investigation, the Primary Detective shall receive authorization from a permanent-rank supervisor to obtain approval to apply for a Tracking Order. The detective shall document the supervisory approval in their case folder, including the supervisor's name and date of approval.
3. Upon supervisory approval, the Primary Detective shall:
 - 3.1. Complete Form 493 (**See Appendix A**), which can be found in Forms and Reports;
 - 3.2. Follow the same steps as applying for a search and seizure warrant per Policy 1007, *Search and Seizure Warrants*, when applying for the Tracking Order, but use Form 491 the Cell Phone GPS Order Template (**See Appendix B**) instead of Form 187, Application and Affidavit for Search and Seizure Warrant Template.
 - 3.3. The application shall include the required information regarding probable cause, the device, and the owner/user as outlined in §1-203.1 of the Criminal Procedure Article.
4. The Primary Detective shall obtain a Tracking Order for the Mobile Device from a court of competent jurisdiction.
5. Upon approval from a judge and receipt of a True Test Copy of the Tracking Order, the Primary Detective shall immediately notify ATT and email a copy of the Tracking Order application, a dated True Tested Copy of the Tracking Order, as well as the ATT work order form to celltrack@baltimorepolice.org.
 - 5.1. If the location of the Mobile Device is time sensitive, the Primary Detective should include in their email the times they want the device located and, if applicable, the names and contact information of anyone who needs to be contacted before location attempts are made.
 - 5.2. Include any known intel, such as vehicles and addresses that the target may be using.

6. If the primary detective advises ATT that immediate action will be taken upon location of the target, the primary detective will be responsible for ensuring that there are sufficient personnel, not including members of ATT, to conduct the actions required and immediately respond.
7. The Primary Detective shall notify ATT as soon as:
 - 7.1. Continued surveillance is no longer productive for the case, or
 - 7.2. If a court grants a 30-day extension of the Tracking Order.
8. At the completion of ATT investigation, the Primary Detective shall:
 - 8.1 Deliver the Return from the Tracking Order to the signing Judge,
 - 8.2. Mail a notification letter by using Form 492, the Cell Phone GPS Notification Letter template (**See Appendix C**) to the owner AND user of the Mobile Device ensuring that it is delivered within 10 calendar days after the expiration of the Tracking Order, and
NOTE: The court may order that the application, affidavit, or order be sealed, and that notification be delayed for a period of 30 calendar days if it is established by evidence that notice should be delayed to preserve the continuation of the investigation. (See §1-203.1 of the Criminal Procedure Article).
 - 8.3. Notify the State's Attorney's Office that a Tracking Order was obtained and if the equipment was utilized.
9. Any member outside of the SAU who implements an order circumventing SAU may be subject to disciplinary action.

Advanced Technical Team (ATT)

10. ATT's role is to assist the Primary Detective by providing technical services and is not to take control of the investigation.
11. Upon receipt of a dated and True Tested Copy of a Tracking Order, ATT shall notify the appropriate service provider (e.g., Verizon, T-Mobile, etc.) and verify receipt by receiving an automated email from the provider.
12. ATT shall execute the Tracking Order within two business after receipt of the Tracking Order.
13. ATT shall provide the Primary Detective via email notification after each track attempt and provide the following as it is delivered from the provider:
 - 13.1. any responsive data;
 - 13.2. documentation received from the service provider; and

- 13.3. whether or not data was found.
14. ATT shall notify the service provider after the CSS investigation is completed.
15. ATT shall discontinue surveillance upon notification from the Primary Detective that continued surveillance is no longer productive for the case.

Exigent Utilization

16. In Exigent Circumstances, the immediate use of a CSS in situations such as locating victims (e.g., kidnapped persons, vulnerable or suicidal missing persons, etc.) or suspects of serious crimes, may be necessary. Under certain very limited and controlled circumstances, members of the BPD may utilize a Cell Site Simulator without prior court authorization to protect the life of an individual(s) or assist in the rapid apprehension of a violent criminal. **Maryland law limits the period of an exigent circumstance to 48 hours.** When using the equipment in this manner, the primary investigator shall seek permission from the court to authorize the utilization of the equipment as soon as practical under the circumstances, and in no case later than the next business day.
- 16.1. The primary detective shall seek a Tracking Order to continue the exigent use after the 48 hours have elapsed.

Primary Detective

17. When seeking an exigent circumstance use of a CSS, the Primary Detective shall obtain approval from a permanent-rank supervisor to determine if exigent utilization of a Cell Site Simulator is appropriate and document the supervisory approval in their case file.
18. Upon approval from their permanent-rank supervisor, the Primary Detective shall notify ATT, request an ATT Exigent Work Order Form, Form 494 (**See Appendix D**), and email the completed form to ATT at celltrack@baltimorepolice.org.
19. ATT does not grant exigent requests; the service provider does. However, ATT can deny an exigent circumstance if the request does not meet the legal requirements for the exemption to the order requirement. If an exigent request is denied by ATT or a service provider, the Primary Detective may attempt to receive a signed Tracking Order by immediately contacting the on-duty judge.
20. The Primary Detective, or another member from their unit, shall be available to assist ATT (e.g. an arrest team for going after a wanted subject or a team to maintain a perimeter if attempting to identify someone inside a home, etc.).
21. The Primary Detective shall obtain a Tracking Order for the Mobile Device from a court of competent jurisdiction and deliver a dated True Tested Copy to ATT as soon as practical, but no later than next business day.

NOTE: ATT shall implement any authorized Tracking Order utilizing approved Tracking Order template or an outside agency's order that authorizes BPD to assist. However, the

detective should follow established court policy as to determine which judge is designated to sign these types of orders.

Advanced Technical Team (ATT)

22. Upon receiving an exigent request, ATT shall submit the request to the appropriate service provider, detailing information as it appears on the ATT Exigent Form received from the requesting primary detective.
 - 22.1. The primary detective that requests the exigent use shall send ATT an email to celltrack@baltimorepolice.org with the actions already taken based on the exigent circumstance.
23. If the service provider grants the request, ATT shall coordinate with the primary detective to locate the Mobile Device. If the service provider does not grant the request, ATT shall inform the primary detective and shall direct them to contact the on-duty judge to maintain a Tracking Order immediately.
24. Once the CSS investigation is completed, ATT shall contact the service provider and request that live surveillance be terminated.

REQUIRED ACTIONS

Data Storage, Retention and Security

Advanced Technical Team

25. Only members of the Advanced Technical Team (ATT) are authorized to use CSS equipment and contact cellular service providers for any Tracking Orders pertaining to this policy and exigent requests.
26. Members of ATT shall receive appropriate qualifications and training on the use of CSS equipment and the contents of this policy.
27. ATT shall purge all data collected by use of the Cell Site Simulators that is not authorized to be retained by the Tracking Order.

Information Technology Division

28. After CSS is utilized, ITD shall maintain, archive, and reproduce (if necessary) any documents or evidence that ATT collects.

Legislative Compliance

29. Per Maryland Law, ATT shall track the number of times BPD has used CSS technology in the calendar year, and the number of times BPD has used CSS technology under exigent circumstances during that time. This information shall be provided directly to the Office of Police

Commissioner prior to February 1 each year, which is the deadline established by MD law. In addition, this information shall be posted on BPD's website by February 1 each year.

APPENDICES

- A. Form 493, Advanced Technical Team – Work Order Form
- B. Form 491, Cell Phone GPS Order Template
- C. Form 492, Cell Phone GPS Notification Letter Template
- D. Form 494, Advance Technical Team – Exigent Work Order Form

ASSOCIATED POLICIES

Policy 1007, *Search and Seizure Warrants*

RESCISSION

Rescind Policy 1004, *Cell-Site Simulators*, dated 22 September 2016.

COMMUNICATION OF POLICY

This Policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

Appendix A

Form 493



ADVANCE TECHNICAL TEAM – WORK ORDER FORM

Office: 443-984-7266



DETECTIVE INFORMATION

Detective Name: _____ Phone #: _____ Seq. #: _____

CASE INFORMATION

Target #: _____ CC #: _____ Lotus #: _____

Target #: _____

One target # per form

Subscriber Information

Toll Records From _____ to _____

Pen Register 30 Days 60 Days

Mobile Locator/Precision GPS

Forward GPS to: _____ (only government addresses)

My supervisor is _____ and is aware of my request.

Notes: (Brief synopsis of case and why you need the above services)

[Empty box for notes]

Appendix B

Form 491

CIRCUIT COURT FOR BALTIMORE CITY

Application for Order to Obtain Location Information Derived from Transmissions Emanating from a Cellular Telephone and to Monitor the Movements of the Cellular Telephone based on that Information

To the Honorable Judge Barry Williams Associate Judge of the Circuit Court for Baltimore City:

Your duly sworn Affiant seeks authorization to obtain location information, derived from transmissions emanating from the cellular telephone(s) listed below, and to monitor the movements of the cellular telephone(s) based on that information. Your Affiant states there is probable cause to believe that a misdemeanor or felony has been, is being, or will be committed by the user of the below identified electronic device or by the individual about whom location information is being sought; and (check one or both)

[] that there is probable cause to believe the location information being sought is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated;

and/or

[] that there is probable cause to believe that the location information being sought will lead to the apprehension of an individual for whom an arrest warrant has been issued.

The facts tending to establish grounds for the issuance of this Order are set forth in the attached Affidavit of Detective _____, which is incorporated by reference herein, and made a part thereof. Specifically, your Affiant states that, upon reason and belief, the following cellular telephone(s):

Target #: _____

is/are being used and will be used for the purposes of facilitating illegal conduct in violation of the Maryland Code, pertaining to _____ (Offenses(s), in violation of specific code section(s)).

Wherefore, your Affiant prays an Order be issued authorizing your Affiant to obtain location information derived from transmissions emanating from the cellular telephone(s) listed above, to wit: Global Positioning System "GPS" coordinates or cell tower information, and to monitor the movements of the cellular telephone(s) based on that information; and upon necessity, utilize a Cellular Tracking Device also known as a "cell site simulator" (referred to as a "Stingray" or "Hailstorm") to assist in the physical location of the cellular telephone and authorization to enter upon the curtilage of the premises where the cellular tracking device indicates that the Target Cell Phone(s) is in order to confirm through the use of the cellular tracking device, the premises in which the Target Cell Phone(s) is located.

1. In your Affiant's training and experience, I have learned that cellular phones and other cellular devices communicate wirelessly across a network of cellular infrastructure, including towers that route and connect individual communications. When sending or receiving a communication, a cellular device broadcasts certain signals to the cellular tower that is routing its communication. These signals include a cellular device's unique identifiers, (e.g., MIN, MSID, IMSI), assigned by a device manufacturer or cellular network provider. Pursuant to judicial authorization sought herein, law enforcement will obtain from the service provider for the Target

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Cell Phone(s), physical location information, i.e. Global Positioning System "GPS" coordinates or cell tower information, for said phone(s). Your Affiant will attempt to locate the Target Cell Phone(s) on the basis of the "GPS" coordinates or cell tower information. If your Affiant is unable or it is impractical to determine the physical location of the Target Cell Phone(s) on the basis of "GPS" coordinates or cell tower information, your Affiant will utilize a cellular tracking device to determine same.

2. Your Affiant seeks judicial authorization to employ a cellular tracking device, or cell site simulator, commonly referred to as a "Stingray" or "Hailstorm," in order to obtain location information for the target cellphone, [Date] _____. As explained in detail below, your affiant has probable cause to believe that this cell phone belongs to, or is in the possession of, _____. The location information obtained through the use of the cellular tracking device will be used to determine _____ location.

3. A cellular tracking device, or cell site simulator, simulates a cellphone tower, sending signals to nearby cellular devices, including the Target Cell Phone(s). In reply, the nearby cellular devices broadcast signals to the device that include their unique identifiers. The cellular tracking device does not capture cellular communications or data (text messages/emails/contact lists/images/applications) or the actual dialed number assigned to a particular cellphone. When used to locate a known cellular device, a cell-site simulator initially captures or receives the unique identifying number from multiple devices using the same cellular network as the target phone in the vicinity of the simulator. Once the cell-site simulator identifies the specific cellular device for which it is looking, it will obtain the signal information relating only to that particular phone. When used to identify an unknown device, the cell-site simulator obtains signaling information from non-target devices in the target's vicinity for the limited purpose of distinguishing the target device.

4. Law enforcement will use this investigative device when they have reason to believe that **TARGET #** _____ is in the immediate area where the cell service provider has most recently identified the target phone. Once investigators ascertain the signal strength and location of the Target Cell Phone(s), they will cease using the investigative technique. The investigative device may interrupt cellular service of cellular devices within its immediate vicinity. Any service disruption will be brief and temporary, and all operations will attempt to limit the interference with cellular devices. Once law enforcement has identified the Target Cell Phone(s), it will delete all information concerning non-targeted cellular devices as soon as practicable and no later than twenty-four (24) hours after the target phone has been located. Absent further order of the court, law enforcement will make no investigative use of information concerning non-targeted cellular devices.

5. Your Affiant further prays, upon a finding of good cause, that:

this Application, Affidavit and Order be sealed for a period of thirty (30) days;

and/or

the Notification to the user or owner of the electronic device be delayed for a period of thirty (30) days.

Good cause is established because the criminal investigation to which the Affidavit is related is of a continuing nature and likely to yield further information that could be of use in prosecuting

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alleged criminal activities, and the failure to maintain the confidentiality of the investigation would: *(check all that apply)*

- jeopardize the use of information already obtained in the investigation;
- impair the continuation of the investigation; and/or
- jeopardize the safety of a source of information.

Signature: _____

Detective _____
Baltimore Police Department

Sworn to me and subscribed to in my presence the ____ day of _____, **20**__ for the device bearing the number **TARGET #** _____.

Signature: _____

Judge _____
Circuit Court for Baltimore City



Form 491

AFFIDAVIT

PURPOSE OF THE AFFIDAVIT

This Affidavit is submitted in support of an order authorizing obtaining physical location information derived from transmissions emanating from the cellular telephone(s) listed below, and monitoring the movements of the cellular telephone(s):

Target #: _____

The phone is believed to be operating on a cellular network. Your affiant believes that the location information for **Target #** _____, believed to be in use by _____, will assist in the investigation involving violations of _____ **(Offenses(s), in violation of specific code section(s))**. Because this Affidavit is being submitted for this limited purpose, your Affiant has not included every detail of the investigation that has been conducted to date. Rather, your Affiant has set forth only those facts that your Affiant believes are necessary to establish probable cause. Your Affiant has not, however, excluded any information known to your Affiant that would defeat a determination of probable cause. The information contained in this Affidavit is based upon your Affiant's personal knowledge, a review of documents and other evidence, and conversations with other law enforcement officers and other individuals. All conversations and statements described in this Affidavit are related in substance and in part unless otherwise indicated.

AFFIANT

Expertise - Update as needed:

PROBABLE CAUSE

Your duly sworn Affiant states that there is probable cause to believe that a misdemeanor or felony has been, is being, or will be committed by the owner or user of the electronic device(s) or by the individual about whom location information is being sought, and: *(check one or both)*

that there is probable cause to believe the location information being sought is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated;

and/or

that there is probable cause to believe that the location information being sought will lead to the apprehension of an individual for whom an arrest warrant has been issued.

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The facts tending to establish probable cause for the issuance of this Order and the grounds for obtaining the location information are within the personal knowledge of the Affiant, and are set forth below:

Probable Cause – Underlying Criminal Activity

FACTS: MAKE SURE TARGET # IS INCLUDED

Probable Cause – Relevance of the Location Information

Probable Cause – Sealing and/or Delayed Notice (if necessary)

CONCLUSION

Based on the foregoing, it is respectfully submitted that there is probable cause to believe that a misdemeanor or felony has been, is being, or will be committed by the user of the above identified electronic device or by the individual about whom location information is being sought; and there is probable cause to believe the location information being sought is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated and/or that the location information



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being sought will lead to the apprehension of an individual for whom an arrest warrant has been issued.

Your Applicant prays the Judge signs this order authorizing your applicant with the necessary assistance to obtain location information derived from transmissions emanating from the cellular telephone(s) listed above, Global Positioning System "GPS" coordinates or cell tower information, and to monitor the movements of the cellular telephone(s) based on that information; and upon necessity, to use a cellular tracking device also known as a "cell site simulator" ("Stingray" or "Hailstorm") to assist in the physical location of the cellular telephone. Your Affiant seeks further authorization to enter upon the curtilage of the premises where the cellular tracking device indicates that the Target Cell Phone(s) is in order to confirm through the use of the cellular tracking device, the premises in which the Target Cell Phone(s) is located.

Your Applicant further prays, upon a finding of good cause, that:

this Application, Affidavit and Order be sealed for a period of thirty (30) days;

and/or

the Notification to the user or owner of the electronic device be delayed for a period of thirty (30) days.

Good cause is established by evidence that the criminal investigation to which the Affidavit is related is of a continuing nature and likely to yield further information that could be of use in prosecuting alleged criminal activities, and the failure to maintain the confidentiality of the investigation would: *(check all that apply)*

jeopardize the use of information already obtained in the investigation;

impair the continuation of the investigation; and/or

jeopardize the safety of a source of information.

Signature: _____

Detective _____
Baltimore Police Department

Sworn to me and subscribed to in my presence the ____ day of _____ 20____ for the device bearing the number Target #: _____.

Signature: _____

Judge _____
Circuit Court for Baltimore City

Form 491

CIRCUIT COURT FOR BALTIMORE CITY
TRACKING ORDER

TO: Any Police Officer of Baltimore City:

The Affidavit having been made before me by Detective _____, said Affidavit being incorporated by reference into this order and made part thereof, that he/she has reason believe that obtaining location information derived from transmissions emanating from

A cellular phone bearing Target # _____

Believed to be owned by: _____

Believed to be in use by: _____

Time period for which the location information is being sought: 30 days

and monitoring the movements of the cellular telephone(s) based on that information, is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated: _____ (Offenses(s), in violation of specific code section(s)), and/or will lead to the apprehension of an individual for whom an arrest warrant has been issued, and I am satisfied that there is probable cause to believe that a misdemeanor or felony has been, is being, or will be committed by the user of the below identified electronic device or by the individual about whom location information is being sought; and there is probable cause to believe the location information being sought, derived from transmissions emanating from the cellular telephone(s) listed above, and monitoring the movements of the cellular telephone(s): (choose one or both)

is evidence of, or will lead to evidence of, the misdemeanor or felony being investigated, and/or

will lead to the apprehension of an individual for whom an arrest warrant has been issued, and

that the foregoing grounds for issuance of the order exist.

You are therefore authorized, with the necessary and proper assistance, to obtain forthwith location information, meaning real-time or present information concerning the geographic location of an electronic device that is generated by or derived from the operation of that device, to wit: Global Positioning System "GPS" coordinates or cell tower information, derived from transmissions emanating from the above-listed cellular telephone(s), and to monitor the movements of the cellular telephone(s) based on that information, and upon necessity, to use a Cellular Tracking Device also known as a "cell site simulator" ("Stingray" or "Hailstorm") to assist in the physical location of the cellular telephone. [§1-203.1 of the Criminal Procedure Article of the Maryland Code]. Law enforcement will use this investigative device when they have reason to believe that Target # _____ is in the immediate area where the cell service provider has most recently identified the target phone. Once investigators ascertain the signal strength and location of the Target Cell Phone(s), they will cease using the investigative technique. Once law enforcement has identified the Target Cell Phone(s), it will delete all information concerning non-targeted cellular devices as soon as practicable and no later than twenty-four (24) hours after the target phone has been located. Absent further order of the court,

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law enforcement will make no investigative use of information concerning non-targeted cellular devices.

If necessary, you are further authorized to enter upon the curtilage of the premises where the cellular tracking device indicates that the Target Cell Phone(s) is in order to confirm through the use of the **Cellular Tracking Device**, the premises in which the Target Cell Phone(s) is located.

The period of time during which location information may be obtained under the authority this order may not exceed thirty (30) calendar days unless extended in accordance with 1-203.1 (c)(3) of the Criminal Procedure Article of the Maryland Code.

Location information shall begin to be obtained by the executing law enforcement officer within 10 calendar days after the order is issued or, if applicable, the order shall be delivered to the service provider within ten (10) calendar days after the order is issued. In the event that neither of these foresaid events occurs within ten (10) calendar days of the issuance of the order, the order is void.

It is ORDERED that as part of the investigation, the Baltimore Police Department (BPD), Drug Enforcement Agency (DEA), Federal Bureau of Investigations (FBI), United States Marshals Service (USMS), United States Secret Service (USSS), Immigration Customs Enforcement (ICE), Alcohol Tobacco and Firearms (ATF), ~~SyTech~~, or any other designated law enforcement agency (hereinafter referred to as "Agencies") are authorized to use a Cellular Tracking Device to include cell site information, without geographical limits, which shall be installed and used within the jurisdiction of this Court, upon the telephone having the number: **Target # _____**, an AT&T; Sprint / Nextel; Virgin Mobile; T-Mobile; ~~Cellco~~ Partnership, DBA Verizon Wireless, Verizon; Cricket Communications, Inc; and / or any other Telecommunication service provider (hereinafter referred to as "Service Provider"), telephone; and it is further

ORDERED, that the Agencies shall complete the necessary use of the Cellular Tracking Device, utilizing the Service Provider providing service for the above listed target phone number, facilities, technical information and equipment, if required. The Agencies are authorized to employ surreptitious or duplication of facilities, technical devices or equipment to accomplish the use of a **Cellular Tracking Device** unobtrusively and with a minimum of interference to the service of the subscriber(s) of the aforesaid telephone, and 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 reasonably available, Global Position System Tracing and Tracking, Mobile Locator tools, R.T.T. (Real Time Tracking Tool), Reveal Report , PCMD (Per Call Measurement Data), NELOS (Network Event Location Service), Precision Locations and any and all locations, and such 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 reasonably available and at such intervals and times as directed by the law enforcement agent / agencies serving this order; and it is further

ORDERED, that based upon specific and articulate facts, the Service Provider shall furnish the Agencies with all information, facilities, cell site locations with sector information, any and all equipment information including (but not limited to) mobile station identification (MSID), international mobile subscriber identifier (IMSI), electronic serial number (ESN), subscriber identity module (SIM), international mobile equipment identity (IMEI) and other equipment identifying number(s), subscriber information and technical assistance necessary to accomplish the use of a Cellular Tracking Device, unobtrusively and with a minimum of interference to the service of the subscriber(s) of the aforesaid telephone; and it is further

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ORDERED, that the Service Provider shall provide twenty-four (24) hour technical support and implementation assistance; and it is further

ORDERED, that the Agencies shall compensate the Service Provider for reasonable expenses for services which the Company is providing; and it is further

ORDERED, that the Service Provider shall continue to provide to the Agencies subscriber information of telephone numbers dialed from or to the aforesaid telephone, provided such request is made within ten (10) days of the expiration of the Order and provide Mobile Locator tools, R.T.T. (Real Time Tracking Tool), Reveal Report , PCMD (Per Call Measurement Data), Precision Locations and any and all locations R.T.T. (Real Time Tracking Tool), Reveal Report , NELOS (Network Event Location Services) and any and all locations only if requested by the Agency; and it is further

ORDERED, that the Service Provider and its agents and employees are prohibited from disclosing to the subscriber(s) of the aforesaid telephone(s) or to any other person(s) the existence of this Application and Order, the existence of the investigation identified in the Application or the fact that the Cellular Tracking Device to include cell site information, call detail, without geographical limits, is being installed and used upon the aforesaid telephone(s); and it is further

ORDERED, that the Order authorizing the use of the devices apply to the presently assigned number(s) and line(s), and that any change to the number(s) and line(s), service(s), additional services, leased or purchased equipment, enhanced and/or special or custom feature(s), changing of mobile station identification (MSID), international mobile subscriber identifier (IMSI), electronic serial number (ESN), subscriber identity module (SIM), or international mobile equipment identity (IMEI) be disclosed to the Applicants; and it is further

ORDERED that during the effective period of this Order, the Service Provider shall not discontinue, suspend, or change the provision of service to the above-described telephone(s) for any reason, including but not limited to suspicion of fraud, or non-payment of outstanding bills without first providing notice to the Agencies, via the Baltimore Police Department at 443-984-7266 and without further providing the Agencies with the opportunity to assume the cost of any unpaid services provided by the Service Provider. The Agencies shall pay the cost of any unpaid services provided by the Service Provider with respect to the above-described cellular telephone(s), from the date the Service Provider notifies the Agencies of its intention to discontinue, suspend or change the provision of service(s) to the phone(s), up until the date that the Agencies advises the Service Provider that it will not or will no longer assume and pay the cost of continued unpaid service(s); and the Service Provider will not sell or transfer the telephone number(s) or facility(ies) without prior notice to the Agency; and it is further

ORDERED that the Service Provider provide the Agency with identical services to those received by the subscriber(s), including all communications transmitted over the telephone(s) that the subscriber(s) receive(s), regardless of which other communications common carrier(s) facilities are involved; and it is further

ORDERED that the Service Provider provide the Agency with all transactional/call, data/call detail and cell site data simultaneous with all communications over **Target # _____**; and it is further

FOUND AND ORDERED upon a finding of good cause by this Honorable Court that the Affidavit presented in support of this order is related to a criminal investigation of a continuing nature and likely to yield further information that could be of use in prosecuting alleged criminal

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activities, and the failure to maintain the confidentiality of the investigation would: *(check all that apply)*

- jeopardize the use of information already obtained in the investigation;
- impair the continuation of the investigation; and/or
- jeopardize the safety of a source of information.

It is therefore **ORDERED**, upon this finding of good cause, that:

- this Application, Affidavit, and Order be sealed for a period of thirty (30) days;
- and/or*
- the Notification to the use or owner of the electronic device be delayed for a period of thirty (30) days.

The Court does not find good cause to seal this Application, Affidavit, and Order for thirty (30) days and/or delay the Notification to the user or owner of the electronic device for a period of thirty (30) days.

IT IS SO ORDERED for this device bearing the number **Target #** _____

Dated this ____ **day of** _____, **20** ____

Judge
Circuit Court for Baltimore City



Form 491

RETURN

I received the attached Warrant on _____, _____, 20____ and have executed it as follows:

Beginning from the ____ of _____, 20____ at ____ o'clock AM / PM, until the ____ of _____, 20____ at ____ o'clock AM / PM,

I obtained location information derived from transmissions emanating from the below-listed cellular telephone(s), and I monitored the movements of the cellular telephone(s) based on that information.

Target # _____

No property contemplated by Maryland Rule 4-601(e) has been seized in executing this warrant, which only authorized obtaining location information derived from transmissions emanating from cellular telephone(s) and monitoring the movements of the cellular telephone(s) based on that information. The starting and ending points of the period during which information was obtained and the movements of the cellular telephone(s) were monitored are specified above.

I swear or affirm that this inventory of the starting and ending points of the period during which information was obtained and the movements of the cellular telephone(s) were monitored is true and accurate.

This return is being delivered as promptly as possible, but no later than within (10) days after the warrant was executed, to the judge who issued the warrant or to another judge of the same circuit.

NOTICE HAS BEEN PROVIDED TO _____ ON THE _____ DAY OF _____, 202_____

- Verbally
- In writing

Signature: _____

Detective _____
Baltimore Police Department

Subscribed, sworn to and returned before me this ____ day of _____, 20____.

Signature: _____

Judge _____
Circuit Court for Baltimore City

Form 492

IN RE: * **IN THE**
INVESTIGATION NUMBER * **CIRCUIT COURT**
* **FOR**
* **BALTIMORE CITY**
* * * * *

NOTIFICATION

Pursuant to §1-203.1(d) of the Maryland Criminal Procedure Code, you are hereby notified this _____ day of _____, 20__, of the following:

On [date], a Tracking Order was issued by the Circuit Court for Baltimore City for cellular phone bearing **TARGET #** _____.

The general nature of the inquiry was:

- Investigation of _____;
- Apprehension of an individual for whom an arrest warrant has been issued;
- Cell site simulator was used; or
- Location information maintained by the service provider was supplied to a law enforcement officer

From _____ To _____
Date Date

Delayed notification

- Was authorized by the Circuit Court for Baltimore City
- Was not authorized by the Circuit Court for Baltimore City

Very truly yours,

Name: _____

Signature: _____

Baltimore Police Department

Appendix D

Form 494



ADVANCE TECHNICAL TEAM – EXIGENT WORK ORDER FORM

Office: 443-984-7266 Duty Line: 410-727-2097
ATT duty line must be called to implement the exigent



DETECTIVE INFORMATION

Detective Name: _____ Phone #: _____ Seq. #: _____

CASE INFORMATION

Target #: _____ CC #: _____ Lotus #: _____

Incident Location: _____ Date: _____

Services requested on (enter date): _____

One target # per form

<input type="checkbox"/> Subscriber Information	<input type="checkbox"/> Victim Phone	<input type="checkbox"/> Suspect Phone
<input type="checkbox"/> Toll Records From _____ to _____		
<input type="checkbox"/> Pen Register	<input type="checkbox"/> 30 Days	<input type="checkbox"/> 60 Days
<input type="checkbox"/> Mobile Locator/Precision GPS		
<input type="checkbox"/> My supervisor is _____ and is aware of my request.		

Notes (Required):

(Brief synopsis of case and why you need the above services in an emergency fashion and how is the cellular phone connected to the case)

If there is a current and imminent threat of harm to a living person, these facts shall be articulated below otherwise this request may be denied. If suspect, list name, address, vehicle[s], SID#, etc., please provide known addresses and investigative attempts made prior to contacting ATT for the above services. List your intent of how you will proceed when target is located.

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

Signature: _____ Target # (Again for confirmation): _____

Your typed or written name/signature is your authorization that the above is true and accurate.