

“Always send a non disclosure order up with your warrant or subpoena to be signed.”

2705(B) NON DISCLOSURE APPLICATION AND ORDER

- Although under ECPA the government does not have a disclosure requirement, nothing stops the provider (Google, T-Mobile etc.) from notifying the bad guy that we just served the provider legal process.
- Always send a non disclosure order up with your warrant or subpoena to be signed.
- “for such period as the court deems appropriate.” AG Memo - we can ask for a non disclosure order for 1 year, and 3 years in National Security related matters with office approval. (Must email Steve to get permission to ask for a 3 year non disclosure order)

“Under ECPA there will always be 4 documents that you need. (That’s It!)” including a “Non Disclosure Order”

UNDER ECPA THERE WILL ALWAYS BE 4 DOCUMENTS THAT YOU NEED. (THAT’S IT!)

- (1) AO 93
- (2) AO 106
- (3) Non Disclosure Order
- (4) Agent’s Affidavit

“If your case is ongoing, why not ask for it all!”

ALL LOCATION DATA WARRANT*

After Carpenter we have to get a warrant for historical cell site records and now you have to refer to 3122. If your case is ongoing why not ask for it all

You can have your warrant get all of the following at one time:

- (1) Subscriber information
- (2) Historical Calls (phone number to phone number)
- (3) Historical Cell Site Data (Ping information)
- (4) Pen trap and trace (Prospective Calls, phone number to phone number)
- (5) Prospective Cell Site and Lat/Long Data



* Make sure you have PC to ask for historical and prospective cell site data

It's listed as one of the required items for both "Email Providers, Social Media, and Webhosting" as well as "Location Search Warrants"

EMAIL PROVIDERS, SOCIAL MEDIA AND WEBHOSTING

- * AO 93
 - * Do not check the 3103a box
- * AO 106
 - * Do not check the 3103a box
- * Non Disclosure
- * Search Warrant Affidavit

Attachment A – List the email address or URL of the server and where the headquarters of the company is located

Attachment B – Part 1 – Information to be disclosed and Part 2 – Information to be seized

LOCATION SEARCH WARRANTS

Historical Cell Site Data

- * AO 93
 - * Do not check the 3103a box
- * AO 106
 - * Do not check the 3103a box
- * Non Disclosure
- * Search Warrant Affidavit



And these particularly tasteless slides ...

SEARCH WARRANTS CONTINUED UNDERSTANDING THE ECPA WARRANT PROCESS

What forms do you need?



COOKIE DATA!

xxxxxxxxxxxxxx * Sample Confidential and Proprietary *

