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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF PIERCE

GREGORY CHRISTOPHER, an individual,
ARTHUR C. BANKS, an individual, TONEY
MONTGOMERY, an individual, WHITNEY
BRADY an individual,

Plaintiffs,

vs.

CITY OF TACOMA, a municipal corporation

Defendant.

No. _____

[Clerk’s Action Required]

COMPLAINT FOR VIOLATION OF
THE PUBLIC RECORDS ACT

Plaintiffs Gregory Christopher, Arthur C. Banks, Toney Montgomery, and Whitney
Brady (collectively the “Plaintiffs”), in their individual capacities, allege as follows:

I. INTRODUCTION

1.1 This is a lawsuit challenging the City of Tacoma’s efforts to shield from
public view and public debate the propriety of the City of Tacoma’s use of stingray
technology, as executed through its failure to comply with the Washington Public Records
Act, Chapter 42.56 RCW (the “Act” or the “PRA”).

1 1.2 This case is brought by four community leaders in Tacoma, Washington.
2 These leaders made a request to the City of Tacoma (“Tacoma” or “the City”) under the Act
3 after learning that their local police department bought and, for six years, quietly used,
4 controversial surveillance equipment known as a cell site simulator (or a “stingray”) in their
5 community.
6

7 1.3 A cell site simulator is a device that locates and identifies wireless devices
8 such as cellular phones, cellular-enabled tablet devices, and cellular-enabled wireless hotspot
9 devices in its vicinity. While a number of cell site simulator brands and models exist—such
10 as the StingRay or the TriggerFish—these devices are commonly known as stingrays.
11

12 1.4 Stingrays are both highly intrusive and indiscriminate. To locate a suspect’s
13 cell phone, a stingray obtains information from all devices on the same network in a given
14 area and sends signals into the homes, cars, bags, and pockets of the suspect and third parties
15 alike. The signals are indiscriminately sent by the stingray, and every phone within range
16 responds to the signal by providing unique information about the phone and its location. This
17 information can then be used by law enforcement to locate a particular individual, or to
18 identify the particular phone an individual is using.
19

20 1.5 In addition to location information, a stingray can also potentially capture
21 voice communications, text messages, Internet browsing activities, and data transmissions
22 such as email.
23

24 1.6 The use of stingrays implicates the privacy interests of untold numbers of
25 wholly innocent people whose phones were simply within a stingray’s search ambit. The vast
26 majority of these people are completely unaware that the data on their phones may have been

1 searched; no warrants for such searches were ever requested or issued; and the Tacoma
2 Police Department has refused to make critical information about how and when these
3 devices are used available to the public.

4 1.7 On information and belief, the Tacoma Police Department has operated the
5 device more than 307 times within the City of Tacoma alone, and has also operated the
6 device outside of Tacoma at the request of other local and state agencies.
7

8 1.8 Plaintiffs filed a public records request on September 2, 2015 seeking
9 information about how the City is using and has used stingray technology; what procedures
10 and policies the City has promulgated and implemented to govern the technology's use;
11 whether and how other law enforcement agencies are using the technology in cooperation
12 with the City; and communications between City employees regarding the use of stingray
13 technology.
14

15 1.9 Until now, Tacoma's use of this powerful technology has gone unmonitored
16 and largely unnoticed, with neither the transparency nor public accountability it warrants.
17 The privacy rights at issue are significant, not to mention the need for government and police
18 accountability, particularly in light of the City's history of attempting to cloak its use of this
19 technology in secrecy.
20

21 1.10 Five months after Plaintiffs filed their initial public records request, they have
22 still received only the most basic of documents and have reason to believe the City did not
23 disclose all of the public records required by the PRA.

24 **II. PARTIES**

25 2.1 Plaintiff Gregory Christopher brings this suit in his individual capacity. He is
26 the pastor at Shiloh Baptist Church at 1211 South I Street in Tacoma, Washington, and is a
**COMPLAINT FOR VIOLATION OF THE PUBLIC
RECORDS ACT - 3**

1 prominent spiritual leader in Tacoma’s Black community. For decades, Pastor Christopher
2 has served as a conduit between the Tacoma Police Department and Tacoma’s Black
3 community, and has made police relations a central part of both his ministry duties and his
4 personal work.

5
6 2.2 Plaintiff Reverend Dr. Arthur C. Banks brings this suit in his individual
7 capacity. He is the pastor at Eastside Baptist Church on the 3500 block of East Portland
8 Avenue, Tacoma, Washington. The Eastside Baptist Church has been a staple of Tacoma
9 since 1966, and Reverend Dr. Banks has been with the church since 1987. Under his
10 leadership, the church increased its membership from 68 active members to more than 400
11 active members, most of whom live in the Hilltop neighborhood—a neighborhood heavily
12 impacted by the Tacoma Police Department’s practices.

13
14 2.3 Plaintiff Elder Toney Montgomery brings this suit in his individual capacity.
15 Elder Montgomery is a spiritual leader at Fathers House Church, located on the 1400 block
16 of East 40th Street, Tacoma, Washington. He serves as the chair of the Tacoma Ministerial
17 Alliance. The Tacoma Ministerial Alliance was established during the mid-1980s by a
18 coalition of pastors, lay ministers, and community leaders as a not-for-profit, faith-based
19 organization. The Alliance works collaboratively with many other community and faith-
20 based organizations by advocating for freedom of worship and social and economic equality,
21 and by raising the social consciousness of underrepresented populations in the community.

22
23 2.4 Plaintiff Whitney Brady brings this suit in his individual capacity. He has
24 lived in the Hilltop neighborhood of Tacoma, Washington for 29 years. In 2015, Mr. Brady
25 ran for City Council in Tacoma on a platform that included police accountability. He also
26

1 coached youth sports in Tacoma.

2 2.5 The City of Tacoma is a municipal corporation. The Tacoma Police
3 Department is a department within the City of Tacoma. Plaintiffs jointly filed a request under
4 the Act seeking various public documents, described herein, from the Tacoma Police
5 Department. This request was processed by the City of Tacoma.
6

7 **III. JURISDICTION AND VENUE**

8 3.1 The City of Tacoma maintains the records Plaintiffs seek in Tacoma, Pierce
9 County, Washington.

10 3.2 Jurisdiction and venue are proper under RCW 42.56.540 and RCW 2.08.010.

11 **IV. FACTS**

12 4.1 The Plaintiffs incorporate paragraphs 1.1-3.2 and restate these paragraphs
13 herein.

14 4.2 A stingray is a radio interception device that forces cell phones in a given area
15 to connect to it instead of to a legitimate telecommunications tower. A stingray allows
16 investigators to access, store, and analyze a trove of data intercepted from cell phones,
17 including call and text messaging logs, location information, and other sensitive, private
18 information.
19

20 4.3 Plaintiffs requested and were denied information about the full technological
21 capacity of the stingrays used by the City, but credible, academic sources and similar records
22 requests in other jurisdictions suggest that the City can use its stingray to eavesdrop on live
23 calls, read text messages, and review other data (e.g., emails and Internet browsing
24 activities).
25

26 4.4 Stingrays are not phone or wire taps in the traditional sense. By analogy, a

1 phone tap or pen register is the equivalent of fishing with a hook, while a stingray is like
2 fishing with a commercial dragnet. Instead of targeting a single phone, a stingray
3 indiscriminately monitors all cell phones in its proximity and tricks all such phones into
4 connecting with it regardless of the phone owner's identity or relevance to the investigation.
5

6 4.5 On or about July 25, 2008, the United States Army Electronics Proving
7 Ground in Arizona sent a stingray to the Tacoma Police Department.

8 4.6 Since 2009, the City has used stingray technology to find suspects in a wide
9 variety of criminal investigations including drug offenses, a stolen City laptop, and
10 individuals suspected of assault, as well as to find people with felony warrants and material
11 witnesses.

12 4.7 At least four Tacoma Police Department employees have operated this
13 equipment: Detective Jeffery Shipp, Detective Terry Krause, Detective Barry McColeman,
14 and Detective Scott Shafner.
15

16 4.8 In addition to the use of the stingray for Tacoma Police Department
17 investigations, the equipment has been used repeatedly by or for other law enforcement
18 agencies, such as the Drug Enforcement Agency, Pierce County Sheriff's Department,
19 Washington State Patrol, Department of Homeland Security/U.S. Immigration and Customs
20 Enforcement, and the City of Lakewood. Additionally, the Tacoma Police Department
21 provided the device to those working on initiatives like Innocence Lost—a national
22 collaboration between the Federal Bureau of Investigation, the Department of Justice Child
23 Exploitation and Obscenity Section, and the National Center for Missing and Exploited
24 Children—and the South Sound Gang Taskforce.
25
26

1 4.9 In 2013, the Tacoma Police Department purchased additional stingray
2 technology, software, and training.

3 4.10 In 2014, the Tacoma Police Department again purchased additional stingray
4 technology, software, and training.

5 4.11 The Tacoma Police Department has operated its stingray more than 307 times
6 within the City of Tacoma, where Plaintiffs reside.

7 4.12 On or about September 2, 2015, Plaintiffs made two requests to the Tacoma
8 Police Department seeking records maintained by the Tacoma Police Department related to
9 the use of cell site simulators and passive cell phone data collectors. A copy of these requests
10 is attached at **Exhibit A**.

11 4.13 The City of Tacoma processed these requests and gave them the internal
12 identifiers “PRA Request 15-9481” and “PRA Request 15-9482,” respectively.

13 4.14 On October 28, 2015, the City of Tacoma released a number of records in
14 response to PRA Request 15-9481, noting that the records produced in response to PRA
15 Request 15-9482 were identical. With the release of records, the City of Tacoma also
16 provided a document entitled Public Disclosure Request Privilege Log, a copy of which is
17 provided at **Exhibit B**.

18 4.15 Plaintiffs requested all records regarding the Tacoma Police Department’s
19 acquisition, use, or lease of cell site simulators, including but not limited to communications,
20 invoices, purchase orders, contracts, loan agreements, grant applications, evaluation
21 agreements, and delivery receipts.

22 4.16 The records referred to in ¶ 4.15 are public records.
23
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1 4.17 Defendant did not provide all public records requested in ¶ 4.15, and/or
2 improperly redacted these public records.

3 4.18 On information and belief, the City of Tacoma withheld communications to
4 and from Detective Jeffery Shipp, Detective Terry Krause, Detective Barry McColeman, and
5 Detective Scott Shafner without including these communications in the Public Disclosure
6 Request Privilege Log.

7 4.19 The City of Tacoma withheld invoices from May 2013, without identifying
8 the invoices in the Public Disclosure Request Privilege Log.

9 4.20 On information and belief, Defendant did not provide all communications
10 with other local, state, or federal agencies regarding the use of the stingrays and did not list
11 these documents in its Public Disclosure Request Privilege Log.

12 4.21 Plaintiffs requested all records regarding offers, proposals, agreements,
13 arrangements, or memorandums of understanding regarding the use of or receipt of
14 information, data, or metadata collected from cell site simulators owned or in the possession
15 of any other local, state, or federal agency.

16 4.22 The records referred to in ¶ 4.21 are public records.

17 4.23 On information and belief, Defendant did not provide all public records
18 requested in ¶ 4.21, and/or improperly redacted these public records.

19 4.24. Plaintiffs requested all records regarding offers, proposals, agreements,
20 arrangements, or memorandums of understanding regarding the use of or disclosure of
21 information, data, or metadata collected from cell site simulators by the Tacoma Police
22 Department on behalf of any other local, state, or federal agency.

1 4.25 The records referred to in ¶ 4.24 are public records.

2 4.26 On information and belief, Defendant did not provide all public records
3 requested in ¶ 4.24, and/or improperly redacted these public records.

4 4.27 Plaintiffs requested all nondisclosure agreements, licenses, waivers,
5 warranties, memorandums of understanding, or agreements concerning acquisition or use of
6 cell site simulators.

7 4.28 The records referred to in ¶ 4.27 are public records.

8 4.29 On information and belief, Defendant did not provide all public records
9 requested in ¶ 4.27, and/or improperly redacted these public records.

10 4.30 Plaintiffs requested all documents concerning technical specifications of cell
11 site simulator devices, software, or other cell site simulator technologies.

12 4.31 The records referred to in ¶ 4.30 are public records.

13 4.32 On information and belief, Defendant did not provide all public records
14 requested in ¶ 4.30, and/or improperly redacted these public records.

15 4.33 Plaintiffs requested all training materials, guidelines, and procedural
16 requirements regarding the use and maintenance of cell site simulators, including but not
17 limited to configuration, data retention, and data deletion.

18 4.34 The records referred to in ¶ 4.33 are public records.

19 4.35 On information and belief, Defendant did not provide all public records
20 requested in ¶ 4.33, and/or improperly redacted these public records.

21 4.36 Plaintiffs requested all privacy impact assessments or reports concerning the
22 use or capabilities of cell site simulators.

1 4.37 The records referred to in ¶ 4.36 are public records.

2 4.38 On information and belief, Defendant did not provide all public records
3 requested in ¶ 4.36, and/or improperly redacted these public records.

4 4.39 Plaintiffs requested all communications regarding cell site simulators,
5 including internal communications among Tacoma Police Department personnel and
6 communications between Tacoma Police Department personnel and any other local, state, or
7 federal agency or person.

8 4.40 The records referred to in ¶ 4.39 are public records.

9 4.41 On information and belief, Defendant did not provide all public records
10 requested in ¶ 4.39, and/or improperly redacted these public records.

11 4.42 Plaintiffs requested all records regarding affidavits for the use of cell site
12 simulators.

13 4.43 The records referred to in ¶ 4.42 are public records.

14 4.44 On information and belief, Defendant did not provide all public records
15 requested in ¶ 4.42, and/or improperly redacted these public records.

16 4.45 Plaintiffs requested all applications submitted to state or federal courts for
17 warrants, orders, or other authorizations for use of cell site simulators in criminal
18 investigations, as well as any warrants, orders, authorizations, denials of warrants, denials of
19 orders, denials of authorization, and returns of warrants associated with those applications.

20 4.46 The records referred to in ¶ 4.45 are public records.

21 4.47 On information and belief, Defendant did not provide all public records
22 requested in ¶ 4.45, and/or improperly redacted these public records.

1 4.48 Plaintiffs requested all equipment logs and similar records, whether generated
2 manually by Tacoma Police Department staff or automatically by the applicable cell site
3 simulator, regarding the checking-in, checking-out, or use of cell site simulator equipment.

4 4.49 The records referred to in ¶ 4.48 are public records.

5 4.50 On information and belief, Defendant did not provide all public records
6 requested in ¶ 4.48, and/or improperly redacted these public records.
7

8 4.51 Plaintiffs requested all marketing and vendor materials received regarding cell
9 site simulators.

10 4.52 The records referred to in ¶ 4.51 are public records.

11 4.53 On information and belief, Defendant did not provide all public records
12 requested in ¶ 4.51, and/or improperly redacted these public records.
13

14 4.54 Plaintiffs requested all communications between Pierce County Superior
15 Court and the Tacoma Police Department regarding cell site simulators.

16 4.55 The records referred to in ¶ 4.54 are public records.

17 4.56 On information and belief, Defendant did not provide all public records
18 requested in ¶ 4.54, and/or improperly redacted these public records.
19

20 4.57 RCW 9.73.260(6)(c) requires that law enforcement agencies authorized to use
21 a cell site simulator device: (i) take all steps necessary to limit the collection of any
22 information or metadata to the target specified in the applicable court order; (ii) take all steps
23 necessary to permanently delete any information or metadata collected from any party not
24 specified in the applicable court order immediately following such collection, and not
25 transmit, use, or retain such information or metadata for any purpose whatsoever; and (iii)
26

1 delete any information or metadata collected from the target specified in the court order
2 within thirty days if there is no longer probable cause to support the belief that such
3 information or metadata is evidence of a crime.

4 4.58 Plaintiffs requested all records relating to the Tacoma Police Department's
5 compliance with RCW 9.73.260(6)(c), including, but not limited to, all records related to
6 retention, disclosure, and deletion of data collected by cell site simulators.
7

8 4.59 The records referred to in ¶ 4.58 are public records.

9 4.60 On information and belief, Defendant did not provide all public records
10 requested in ¶ 4.58, and/or improperly redacted these public records.

11 4.61 On November 23, 2015, Plaintiffs sent a letter requesting that the Tacoma
12 Police Department examine the adequacy of its initial response.

13 4.62 The City of Tacoma received the letter on November 30, 2015, responded on
14 December 9, 2015, and re-opened the Public Records Act request.
15

16 4.63 On or about December 18, 2015, additional records were provided that had
17 not been included in the October 28, 2015 disclosure, but these records were not sufficient.
18 These records did not remedy the deficiencies in the Defendant's initial response.

19 4.64 The City provided an additional Public Disclosure Request Privilege Log; a
20 copy is attached at **Exhibit C**.
21

22 **V. CAUSE OF ACTION**

23 5.1 Plaintiffs incorporate paragraphs 1.1-4.64 and restate these paragraphs herein.

24 5.2 The City of Tacoma is a "public agency" subject to the Washington Public
25 Records Act.

26 5.3 Plaintiffs made a request in writing for "public records" from the City of
**COMPLAINT FOR VIOLATION OF THE PUBLIC
RECORDS ACT - 12**

1 Tacoma, as that term is defined in RCW 42.56.010.

2 5.4 The City of Tacoma did not make available for inspection and/or copying all
3 the public records requested by Plaintiffs.

4 5.5 The City of Tacoma did not provide a complete log of all the public records it
5 withheld.

6 5.6 The City of Tacoma did not cite exceptions for all the documents withheld.

7 5.7 The attorney-client privilege is an improper exception raised by the City of
8 Tacoma to withhold/redact one or more documents.

9 5.8 The City of Tacoma relied on the specific intelligence information exemption
10 in RCW 42.56.240 to redact and withhold documents.

11 5.9 The specific intelligence information exemption does not exempt the withheld
12 and redacted public records.

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15 **VI. PRAYER FOR RELIEF**

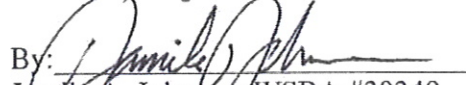
16 WHEREFORE, Plaintiffs hereby pray for judgment against Defendant as follows:

- 17 A. For an order requiring Defendant to provide the public records to the
18 Plaintiffs;
- 19 B. For attorneys' fees and expert costs incurred in bringing the lawsuit against
20 Defendant;
- 21 C. For an amount not to exceed one hundred dollars for each day that each
22 Plaintiff was denied the right to inspect or copy each page of public records;
- 23 D. For leave to amend these pleadings to conform to the evidence presented at
24 trial; and
- 25 E. For such further relief as the Court deems just and equitable.

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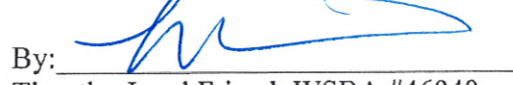
Dated this 11th day of February, 2016.

SCHWABE WILLIAMSON &
WYATT, P.C.

By: 
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Attorneys for Plaintiffs

Exhibit A

September 2, 2015

Tacoma Police Department
3701 South Pine St.
Tacoma, WA 98409

Re: Request for Public Record Disclosure

Dear Public Records Officer:

This is a request under the Washington Public Records Act, Chapter 42.56 RCW.

The records requested are maintained by the Tacoma Police Department (“TPD”) and relate to the use of devices known as Cell Site Simulators. For the purposes of this request, the term “Cell Site Simulators” is to include any International Mobile Subscriber Identity (IMSI) Catchers, which are often referred to as “Stingrays” or “cell site simulators”, and all IMSI Catcher devices and software, including Hailstorm, Amberjack, Blackfin, Kingfish, Gossamer, Harpoon, Loggerhead, Triggerfish, and Dirtbox; as well as Cell Site Simulator and IMSI Catcher devices and software produced by Digital Receiver Technology, Inc., Septier Communication Limited, and Proximus LLC.

REQUEST FOR RECORDS

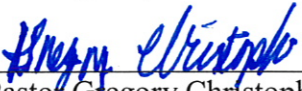
Please provide the following Public Records:

1. All records regarding TPD’s acquisition, use, or lease of Cell Site Simulators , including but not limited to, communications, invoices, purchase orders, contracts, loan agreements, grant applications, evaluation agreements, and delivery receipts.
2. All records regarding offers, proposals, agreements, arrangements, or memorandums of understanding regarding the use of, or receipt of information, data, or metadata collected from Cell Site Simulators owned or in the possession of any other local, state, or federal agency.
3. All records regarding offers, proposals, agreements, arrangements, or memorandums of understanding regarding the use of, or disclosure of information, data, or metadata collected from Cell Site Simulators by TPD on behalf of any other local, state, or federal agency.
4. All nondisclosure agreements, licenses, waivers, warranties, memorandums of understanding, or agreements concerning acquisition or use of Cell Site Simulators.
5. All documents concerning technical specifications of Cell Site Simulator devices, software, or other Cell Site Simulator technologies.
6. All training materials, guidelines, and procedural requirements regarding the use and maintenance of Cell Site Simulators, including but not limited to configuration, data retention, data deletion.
7. All Privacy Impact Assessments or Reports concerning the use or capabilities of Cell Site Simulators.

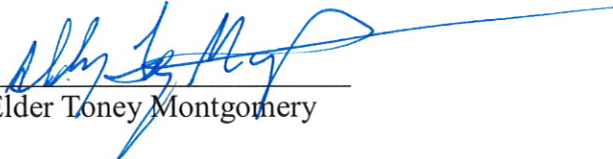
8. All communications regarding Cell Site Simulators, including internal communications between TPD personnel and communications between Tacoma Police Department and any other local, state, or federal agency or person.
9. All records regarding affidavits for use of Cell Site Simulators.
10. All applications submitted to state or federal courts for warrants, orders, or other authorization for use of Cell Site Simulators in criminal investigations, as well as any warrants, orders, authorizations, denials of warrants, denials of orders, denials of authorization, and returns of warrants associated with those applications.
11. All equipment logs and similar records, whether generated manually by TPD staff or automatically by the applicable Cell Site Simulator, regarding the checking-in, checking-out, or use of Cell Site Simulator equipment.
12. All marketing and vendor materials received regarding Cell Site Simulators.
13. All communications between Pierce County Superior Court and the TPD regarding Cell Site Simulators.
14. All records relating to TPD's compliance with RCW 9.73.260(6)(c), including, but not limited to, all records related to data retention, disclosure, and deletion regarding data collected by Cell Site Simulators.

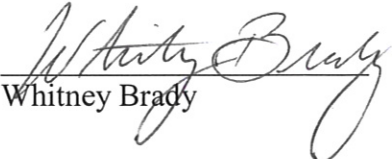
Please note that RCW 42.56.520 requires agencies to respond to requests for public records within five business days. We prefer to receive any responsive documents in electronic format, please contact me to discuss options for transmitting those documents. Also, please send responsive documents to Jared Friend, Technology and Liberty Director, and La Rond Baker, Staff Attorney, at the American Civil Liberties Union of Washington ("ACLU"), 901 5th Avenue, Suite 630, Seattle, WA 98164. If you anticipate that there will be more than 100 pages of documents, or that reproduction costs to the ACLU will exceed \$200 email Jared Friend (jfriend@aclu-wa.org) or La Rond Baker (lbaker@aclu-wa.org). You can also reach them telephonically at 206.624.2184. Please do not hesitate to contact Mr. Friend or Ms. Baker if you have any questions about the scope of the request.

Best regards,


Pastor Gregory Christopher


Dr. Arthur C. Banks


Elder Toney Montgomery


Whitney Brady

September 2, 2015

Tacoma Police Department
3701 South Pine St.
Tacoma, WA 98409

Re: Request for Public Record Disclosure

Dear Public Records Officer:

This is a request under the Washington Public Records Act, Chapter 42.56 RCW.

The records requested are maintained by the Tacoma Police Department ("TPD") and relate to the use of devices known as Passive Cell Phone Data Collectors. For the purposes of this request, the term "Passive Cell Phone Data Collectors" is to include any other device or software that passively intercepts, collects, eavesdrops on, or logs cell phone transmissions in transit between a mobile device and a telecommunications provider's network, including Bushido, Carotid, Condor, Dragr, Gjaller, Jugular, LV4, Samurai, Slingshot, Thoracic, Trachea, Trawler, Quasimodo, Jugular2, Jugular3, Jugular4, Thoracic2, Strike Kit, Wolfhound, PocketHound, WatchHound, TransitHound, and YellowFin; as well as any other cell phone transmission interception devices and software produced by KEYW or Berkeley Varitronics Systems Inc.

REQUEST FOR RECORDS

Please provide the following Public Records:

1. All records regarding TPD's acquisition, use, or lease of Passive Cell Phone Data Collectors, including but not limited to, communications, invoices, purchase orders, contracts, loan agreements, grant applications, evaluation agreements, and delivery receipts.
2. All records regarding offers, proposals, agreements, arrangements, or memorandums of understanding regarding the use of, or receipt of information, data, or metadata collected from Passive Cell Phone Data Collectors owned or in the possession of any other local, state, or federal agency.
3. All records regarding offers, proposals, agreements, arrangements, or memorandums of understanding regarding the use of, or disclosure of information, data, or metadata collected from Passive Cell Phone Data Collectors by TPD on behalf of any other local, state, or federal agency.
4. All nondisclosure agreements, licenses, waivers, warranties, memorandums of understanding, or agreements concerning acquisition or use of Passive Cell Phone Data Collectors.
5. All documents concerning technical specifications of Passive Cell Phone Data Collector devices, software, or other Passive Cell Phone Data Collector technologies.
6. All training materials, guidelines, and procedural requirements regarding the use and maintenance of Passive Cell Phone Data Collectors, including but not limited to configuration, data retention, data deletion.
7. All Privacy Impact Assessments or Reports concerning the use or capabilities of Passive Cell Phone Data Collectors.

8. All communications regarding Passive Cell Phone Data Collectors, including internal communications between TPD personnel and communications between TPD and any other local, state, or federal agency or person.
9. All records regarding affidavits for use of Passive Cell Phone Data Collectors.
10. All applications submitted to state or federal courts for warrants, orders, or other authorization for use of Passive Cell Phone Data Collectors in criminal investigations, as well as any warrants, orders, authorizations, denials of warrants, denials of orders, denials of authorization, and returns of warrants associated with those applications.
11. All equipment logs and similar records, whether generated manually by TPD staff or automatically by the applicable Passive Cell Phone Data Collector, regarding the checking-in, checking-out, or use of Passive Cell Phone Data Collector equipment.
12. All marketing and vendor materials received regarding Passive Cell Phone Data Collectors.
13. All communications between Pierce County Superior Court and the Tacoma Police Department regarding Passive Cell Phone Data Collectors.
14. All records relating to TPD's compliance with RCW 9.73.260(6)(c), including, but not limited to, all records related to data retention, disclosure, and deletion regarding data collected by Passive Cell Phone Data Collectors.

Please note that RCW 42.56.520 requires agencies to respond to requests for public records within five business days. We prefer to receive any responsive documents in electronic format, please contact me to discuss options for transmitting those documents. Also, please send responsive documents to Jared Friend, Technology and Liberty Director, and La Rond Baker, Staff Attorney, at the American Civil Liberties Union of Washington ("ACLU"), 901 5th Avenue, Suite 630, Seattle, WA 98164. If you anticipate that there will be more than 100 pages of documents, or that reproduction costs to the ACLU will exceed \$200 email Jared Friend (jfriend@aclu-wa.org) or La Rond Baker (lbaker@aclu-wa.org). You can also reach them telephonically at 206.624.2184. Please do not hesitate to contact Mr. Friend or Ms. Baker if you have any questions about the scope of the request.

Best regards,



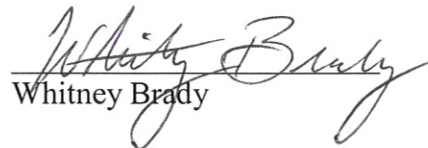
Pastor Gregory Christopher



Dr. Arthur C. Banks



Elder Toney Montgomery



Whitney Brady

Exhibit B

City of Tacoma
Public Disclosure Request Privilege Log
#15-9481 ACLU
10/28/15

Type of Document	Date	Page No.	Redacted or Withheld	Key Item and explanation for exempting from disclosure
Emails				
Email From Loretta Cool To Don Ramsdell, Kathy McAlpine, Fred Scruggs, Terry Krause cc Mike Smith Subject Attorney Client Privilege	9/2/14 1:14pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Kathy McAlpine To Mike Smith, Fred Scruggs, Christopher Travis, Terry Krause, Loretta Cool Subject Attorney Client Privilege	8/27/14 11:05am	n/a	Withheld email and attachment StatelocalCellSite Simulator.doc – Attorney Client Privilege Communication	A
Email From Kathy McAlpine To Mike Smith, Fred Scruggs, Christopher Travis, Terry Krause, Loretta Cool Subject FW Attorney Client Privilege	8/27/14 11:13am	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Terry Krause To Ray Fitzgerald Subject FW Attorney Client Privilege	8/27/14 2:17pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Ray Fitzgerald To WLScott Bean Subject FW Attorney Client Privilege	8/27/14 2:18pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From WL Scott Bean To Ray Fitzgerald Subject RE Attorney Client Privilege	8/27/14 3:25pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Ray Fitzgerald To Terry Krause Subject FW Attorney Client Privilege	8/27/14 12pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Terry Krause To Mike Smith, Fred Scruggs, Kathy McAlpine, Christopher Travis Subject FW Attorney Client Privilege	8/27/14 12:49pm	n/a	Withheld email and attachment StatelocalCellSite Simulator.doc – Attorney Client Privilege Communication	A
Email From Christopher Travis	9/3/14 12:23pm	n/a	Withheld email and attachment TSU MOU – jis	A

City of Tacoma
Public Disclosure Request Privilege Log
#15-9481 ACLU
10/28/15

Type of Document	Date	Page No.	Redacted or Withheld	Key Item and explanation for exempting from disclosure
To Jon Walker Subject attorney client TSU MOU – jls version.docx			version.docx – Attorney Client Privilege Communication	
Email From Jon Walker To Kathy McAlpine Subject FW attorney client TSU MOU – jls version.docx			Withheld email and attachment TSU MOU – jls version.docx – Attorney Client Privilege Communication	A
Email From Terry Krause	8/27/14 11:59	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Dan Morrissey To Terry Krause Subject Re Request for info	8/27/14 12:22pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Terry Krause To Kathy McAlpine, Fred Scruggs, Christopher Travis, Mike Smith Subject FW Request for info (Attorney Client Privilege	8/27/14 12:24pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Mike Smith To McAlpine, Kathy, Scruggs, Fred, Travis, Christopher, Krause, Terry, Cribbin, Peter, Ake, Michael, Ramsdell, Don, Gustason, Shawn, Taylor, Charles, Stringer, Shawn Subject PDR's related to Cell Site Simulators	8/29/14 11:53am	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Kathy McAlpine To Don Ramsdell, Loretta Cool, Mike Smith Subject Attorney-Client Privilege Final Draft	8/27/14 2:03pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Don Ramsdell To Kathy McAlpine, Loretta Cool, Mike Smith Subject RE Attorney-Client Privilege Final Draft	8/27/14 2:15pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Mike Smith To Don Ramsdell, Kathy McAlpine, Loretta Cool Subject RE Attorney-Client Privilege Final Draft	8/27/14 2:15pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Don Ramsdell To Kathy McAlpine, Loretta Cool, Mike Smith Subject RE Attorney-Client Privilege Final Draft	8/27/14 2:20pm	n/a	Withheld – Attorney Client Privilege Communication	A

City of Tacoma
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#15-9481 ACLU
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Type of Document	Date	Page No.	Redacted or Withheld	Key Item and explanation for exempting from disclosure
Email From Fred Scruggs To Mike Smith, Kathy McAlpine, Christopher Travis, Terry Krause, Peter Cribbin, Michael Ake, Don Ramsdell, Shawn Gustason, Charles Taylor, Shawn Stringer Subject RE PDRs related to Cell Site Simulators	8/29/14 1:58pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Terry Krause To Kathy McAlpine, Shawn Stringer, Christopher Travis, Fred Scruggs, Mike Smith Subject Talking points (Attorney Client privilege)	9/14/14 1:36pm	n/a	Withheld – Attorney Client Privilege Communication	A
Email From Mike Smith To Terry Krause, Kathy McAlpine, Shawn Stinger, Christopher Travis, Fred Scruggs Subject RE Talking pints (Attorney Client privilege)	9/17/14 2:01pm	n/a	Withheld – Attorney Client Privilege Communication	A
2 RCW 9.73.260 Spreadsheet	Various	Throughout	Redacted – Specific Intelligence Information Case Agent; Driver; Suspect; Target Number	D
3 Binder_Redacted				
Harris Corporation Quotation	2/26/13	9	Redacted – Specific Intelligence Information and Financial Account Numbers	B & C
City of Tacoma Purchase Order	various	11-12, 19-20, 31, 33-34, 38	Redacted – Specific Intelligence Information	B
Requisition and Invoice/Shipping Document	7/31/13	29	Redacted – Specific Intelligence Information	B
Harris Corporation Invoice	6/7/13	37	Redacted – Specific Intelligence Information	B
Operator's manuals for cell sit simulators	n/a	n/a	Withheld – Specific intelligence Information	B
6 responsive docs_Redacted				
2014 Port Security Grant Upgrade	n/a	6, 7	Redacted – Investigative Techniques and Technology	B
Harris Corporation Quotation	8/12/14	10	Redacted – Investigative Techniques and Technology	B

City of Tacoma
Public Disclosure Request Privilege Log
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10/28/15

Type of Document	Date	Page No.	Redacted or Withheld	Key Item and explanation for exempting from disclosure
Harris Corporation Quotation	9/23/14	12	Redacted – Investigative Techniques and Technology	B
Letter from Harris Corporation	10/22/14	16	Redacted – Investigative Techniques and Technology	B
Request for Purchase	10/22/14	19	Redacted – Investigative Techniques and Technology	B

KEY ITEM	EXPLANATION/AUTHORITY FOR EXEMPTING FROM DISCLOSURE:
A	<p>These records reflect privileged attorney-client communication protected from disclosure and have been redacted or withheld in their entirety based on the following authorization: RCW 42.56.070 Documents and indexes to be made public Each agency, in accordance with published rules, shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of subsection (6) of this section, this chapter, or other statute which exempts or prohibits disclosure of specific information or records. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by this chapter, an agency shall delete identifying details in a manner consistent with this chapter when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing. RCW 5.60.060 Privileged communications (2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.</p>
B	<p>Specific intelligence information the non-disclosure of which is essential for effective law enforcement. Specific technology details and the prices of the equipment in question is confidential and if released would allow the identification of confidential pieces of technology. The identification of the components and the prices of the technology would allow adversaries to create countermeasures preventing the effective use of this technology for law enforcement purposes and have been redacted based on the following authority: RCW 42.56.240(1) Investigative, law enforcement, and crime victims “Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person’s right to privacy.”</p>
C	<p>These records contain bank account or similar financial information protected from disclosure and have been redacted based on the following authority: RCW 42.56.230(5) Personal Information “Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law.”</p>

City of Tacoma
Public Disclosure Request Privilege Log
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D	<p>Specific intelligence information such as names of TPD personnel currently working undercover and releasing their name would not only jeopardize on-going criminal investigations but may endanger their personal safety, active criminal cases and/or for individuals who are actively assisting law enforcement in other cases, active case and/or related to an individual involved in an active case, and/or redactions made to the entire row due to the case being active have been redacted based on the following authority:</p> <p>RCW 42.56.240(1) Investigative, law enforcement, and crime victims</p> <p>"Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy."</p>
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Exhibit C

City of Tacoma
 Public Disclosure Request Privilege Log
 #15-9481 ACLU
 12/18/15

Type of Document	Date	Page No.	Redacted or Withheld	Key Item and explanation for exempting from disclosure
Emails				
Attachment 4-30-2015 email redacted1	4/30/15	6, 7, 10, 12	Redacted – Specific intelligence information	A
Attachment 4-30-2015 email redacted2	4/30/15	4, 7	Redacted – Specific intelligence information	A

KEY ITEM	EXPLANATION/AUTHORITY FOR EXEMPTING FROM DISCLOSURE:
A	<p>Specific intelligence information the non-disclosure of which is essential for effective law enforcement. Specific technology details of the equipment in question is confidential and if released would allow the identification of confidential pieces of technology. The identification of the components and the prices of the technology would allow adversaries to create countermeasures preventing the effective use of this technology for law enforcement purposes and have been redacted based on the following authority: RCW 42.56.240(1) Investigative, law enforcement, and crime victims “Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person’s right to privacy.”</p>