

Q & A: Stingrays and the Tacoma Police Department

What is a stingray and how does it work?

A stingray is a surveillance device that mimics the signals sent out by cell phone towers, thereby tricking nearby phones into connecting to it. It is also known as a “cell site stimulator.”

To understand how a stingray works, think of the childhood game, Marco Polo. The stingray calls out “Marco” and every phone nearby responds automatically with “Polo.” When a phone responds “Polo,” it also provides sensitive information to the stingray, including the unique number associated with a phone and the location of that phone.

Police can also use stingrays to intercept calls, text messages, or emails sent between different devices. If the government knows which phone to look for, a stingray can pinpoint its location. This allows police to identify nearby persons. A stingray can also be used to find out what phone number a person uses.

How do stingrays threaten individual privacy?

Both the United States and Washington State Constitutions protect individuals against government searches without suspicion of wrongdoing. People have the right to be free from invasive surveillance, but stingrays cannot limit their search to a specific cell phone. Instead, they also connect to the phones of many others who happen to be nearby. Some stingrays may also be able to collect information such as voice calls, text messages, emails, and internet browsing.

Because stingrays collect sensitive personal information about individuals without their knowledge or consent, the government should be accountable to the public about its deployment of this technology.

How has the Tacoma Police Department used stingrays?

In 2007, the Tacoma Police Department (TPD) used money from a federal government grant to purchase a stingray to fight terrorism. But since then, the TPD has used its stingray hundreds of times—in some cases for crimes as minor as stolen property.

Until recently, however, none of this was known to the public. The TPD kept its use of this device a secret, and even hid details of its use from judges and criminal defense attorneys.

The TPD’s use of the stingray became public only through reporting by the *Tacoma News Tribune*. As part of its coverage, a reporter contacted a judge who had authorized a court order for the TPD’s use of the stingray, and the judge said he had never heard of a stingray before and was unaware of its capabilities.

Is the use of stingrays regulated by law?

In 2015, the Washington Legislature passed a law that regulates police use of stingrays. It requires law enforcement to get a court order that identifies the stingray's intrusive capabilities in detail to the judge. It also requires that law enforcement not use any information incidentally collected from bystanders and that they delete any such information immediately. These are common sense protections against the invasive capabilities of stingrays, yet the TPD has refused to provide assurances that it has changed its practices in accordance with this new law.

Why was it necessary to file a lawsuit over Tacoma's stingray?

In September 2015, the Plaintiffs sent a public records request asking the TPD for all records associated with its stingray, including any descriptions of its capabilities, a history of when the device was used, and any steps the TPD has taken to comply with the new state law.

The TPD has only provided a handful of records in response to the request and failed to provide information about the capabilities of the device, comprehensive logs of its use, or any documents detailing how and whether TPD is complying with the new stingray law.

The ACLU now has filed a lawsuit on behalf of the Plaintiffs to ensure the TPD is held accountable for its failure to properly produce records and be transparent with the public. We still lack important information about what this device is capable of, how it is used, and how the TPD ensures it will not be misused. We hope that this litigation will address these shortcomings.