

New York police used military-grade cellphone surveillance equipment over 1,000 times

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The New York Police Department (NYPD) has used a military grade cellphone surveillance device—known as a “StingRay”—over 1,000 times since 2008, according to documents obtained by the New York Civil Liberties Union (NYCLU) last November.

StingRays are briefcase-size machines that mimic cellphone towers and trick nearby cellphones into establishing a connection with it. The device can then be used to monitor communications from the phone and track the user’s whereabouts. Even when targeting a specific cellphone, a StingRay will gather information on other phones in the area.

Public discussion of the use of StingRays by local police departments has been limited due to a non-disclosure agreement between the FBI and the Harris Corporations, which manufactures the device. Under this agreement police departments—including the NYPD—are barred from referencing the use of StingRays, even when information gathered by the device is central to a prosecutor’s argument in a criminal case.

The NYCLU obtained documents last November about the NYPD’s use of StingRays as part of a Freedom of Information lawsuit, and received further information last week after appealing its initial lawsuit. This included a disclosure from the NYPD that it has used StringRays roughly 1,016 times between 2008 and May 2015.

Donna Lieberman, Executive Director of the NYCLU, stated, “If carrying a cell phone means being exposed to military grade surveillance equipment, then the privacy of nearly all New Yorkers is at risk.”

The NYPD has become infamous for its extensive surveillance system, which has included spying on Muslim communities, its policy of stop-and-frisk that has allowed the department to establish electronic and analog databases of millions of predominantly minority working

class youth, and most recently its Community Policing program based on cultivating a network of informants in working class neighborhoods.

New York police also have admitted to using ZBV vans equipped with x-ray technology, allowing officers to see through clothing and other light barriers without the individual being aware he or she is being scanned.

NYPD Commissioner William Bratton, an appointee of “progressive” Democratic Mayor Bill de Blasio, stated last year that he would not talk about ZBVs, because, “It falls into the range of security and counterterrorism activity that we engage in.”

The de Blasio administration’s decision to routinely deploy military grade surveillance equipment—such as ZBVs and StingRays—without disclosing this information, exposes the mayor’s campaign promise to reform the NYPD as a pack of lies.

The NYPD also disclosed in the lawsuit that they had no written policy on using StingRays, but usually obtained a “pen register order” before using the device. The requirements for obtaining a pen register order are less demanding than the probable cause required for obtaining a warrant.

Mariko Hirose, the NYCLU lawyer that received the documents from the NYPD, explained to the *New York Times*, “The text of New York’s pen register law does not apply to StingRays, and for good reason. That law was intended only to authorize the use of the primitive devices of the past that capture outgoing and incoming phone numbers on a landline. We’re now living in a different technological reality.”

Last year, the Department of Justice shifted policies demanding that all use of StingRays, except in emergency circumstances, be required to obtain warrants. The FBI also is required to obtain warrants for the use of

StingRays, though with an extremely broad definition of exceptions.

Both Federal and NYPD officials have made fraudulent claims that StingRays do not pickup bystander information, and are primarily used to track terrorists and violent criminals. Despite this, there have been multiple recorded cases of the NYPD using StingRays to track non-violent criminals, and at least one instance of the technology being used to locate a witness.

FBI Director James Comey admitted in testimony to the House Judiciary Committee last October that StingRays were placed in planes and used to monitor mass protests against police brutality in both Ferguson, Missouri and Baltimore, Maryland.

The US Marshalls revealed in response to a Freedom of Information Request filed by *USA Today* that it has deployed the technology to track 5,975 individuals over an unspecified period of time. According to *USA Today* a Baltimore Police detective testified last year that the police force had deployed its StingRay 4,300 times since 2007.

Based on a report by the American Civil Liberties Union (ACLU), at least 60 law enforcement agencies in 23 states own StingRays. Many others may not be disclosing purchases of the device.

The New York State Police alone have spent hundreds of thousands of dollars on StingRays and related equipment. In a separate Freedom of Information lawsuit last year, the NYCLU also uncovered that the Erie County Sheriffs office, in New York State, has used StingRays 47 times over the past four years, and only obtained a pen register order from a court once.

Ultimately, the wide-scale use of military grade surveillance equipment is part of police-state measures put in place to defend the wealthy elite from the working population. The ruling elite's fear is particularly palpable in New York City, which is plagued by massive inequality and record-breaking homelessness.



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