

New York Judge Orders Details of Secret Government Spy Program be Made Public

March 19, 2015 – Here’s a riddle for you. What’s called a “Dirtbox” when it flies and a “Stingray” when it lands? The answer is anything but funny. Dirtboxes and Stingrays are actually pieces of equipment that mimic cell phone towers, allowing police and the federal government to track just about anyone’s movements.

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Dirtboxes became fairly well known about late last year when it was revealed that the federal government has been flying them all over the United States in an effort to track down suspects. But Stingrays were relatively unknown until the New York Times did an article on them a couple of weeks ago. And the details of the Stingray program are more than a little disturbing. The video from CNN below talks about both.

In the first place, Stingray casts a very wide net. When the device is used, it captures cell phone calls, data and text messages from every phone that it connects too; not just from phones of targeted suspects. The privacy implications of its use are staggering.

Secondly, Stingray appears to be in wide use by police departments around the country. Although the federal government has tried to keep those details quiet, since the Times article a number of police departments have admitted to using the equipment. In fact, in an interview on KNX News Radio in Los Angeles this morning, Chief Charlie Beck admitted that the Los Angeles Police Department uses it. And documents obtained by the ACLU show that police departments in 20 states are now using it. Those records may not be complete however.

Beck stated that in every case in which Stingray is used, a court order is obtained first. But there are indications that this

isnâ€™t the case across the country. And according to a CNN article, the FBI has ordered local jurisdictions to release suspected criminals in cases that would have allowed details about how Stingrays work to become public. But the cat may be out of the bag.

This week, NY Judge Patrick H. NeMoyer issued a court order to compel the sherrifs department in Erie, NY to release of their Stingray contract. These contracts are between Harris Corporation, the apparent manufacturer of Stingray, and each of the individual police departments which use the technology. Each of the contracts contains a binding nondisclosure provision that attempts to keep the details of both the contract and the Stingray devices secret. And each of the contracts is overseen by the FBI.

Judge NeMoyerâ€™s order revealed that the FBI had intervned directly with local police departments using Stingray to get them to drop charges against suspect who learned that they had been apprehended using the technology. This is the first concrete evidence of the lengths to which the government is going to keep the program secret.

The Sheriffâ€™s department had argued to keep the contract secret but because Stingray captures data from every phone that connects to it, the judge wouldnâ€™t agree. He wrote, "If that is not an instruction that affects the public, nothing is."

The FBI and the Erie County Sherrif are planning on appealing the ruling.

Both Stingrays and Dirtboxes function by tricking cell phones. Any phone within range of one of these devices will think that the device is a cell phone tower and try to connect to it. As long as the cell phone is connected to it, the device captures all of the data being transmitted to or from the phone.

It appears that while public knowledge of these programs is new, the technology has been in use for at least seven years.

Weâ€™ll keep you posted as the ACLU case progresses.

by Jim Malmberg

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