





## **DPS TRAINING BULLETIN**

LEGAL BULLETIN NO. 118 April 27, 1988

## PARTICIPANT MONITORING--TELEPHONE TRAP

Reference: Jacqueline P. Jones v. Municipality of Anchorage Alaska Court of Appeals Opinion No. 803 P.2d April 22, 1988

FACTS:

Angela Bolin reported to police that she and her friend, Richard Metz, had received numerous harassing telephone calls from Jacquieline Jones. Bolin and Metz did not talk to Jones personally because her calls were recorded on an answering machine attached to their telephone. Jones' voice was recognized by Bolin.

With Bolin's consent, police arranged to have a trap installed on the Bolin telephone. The trap registers incoming calls and identifies the telephone number of the caller. The trap does not monitor nor record substance of the calls, nor even indicate whether the call was completed.

On one evening, the telephone trap registered forty-five calls from Jones' number. Thirty-eight messages from Jones were recorded on the answering machine. The messages were abusive and included use of obscenity and racial slurs. Jones was charged with illegal use of the telephone. She argued that the police should have obtained a warrant prior to installing the trap and her right to privacy was violated.

## ISSUE:

Did the police need a warrant--Glass v. State--prior to installing the telephone trap?

HELD: No.

REASONING:

1. Jones left messages on an answering machine knowing full well her voice was being electronically recorded.

2. Jones failed to exhibit any subjective expectation of privacy.

## NOTES:

Review of the following cases is recommended:

State of Alaska v. Theodore Glass, Legal Bulletin No. 16 Edward Jones v. State of Alaska, Legal Bulletin No. 57 City of Juneau v. Marcelo Quinto, Jr.; Legal Bulletin No. 83 (72) These cases all concern particpant monitoring and expectations of privacy.

In this case, the police did not engage in the warrantless electronic monitoring of a conversation between individuals.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEF MANUAL:

Add this case to Section L on Page 9 of your "Contents" and to L-3 of "Text". File Legal Bulletin No. 118 numerically under Section R of the manual.

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