

THE UNITED STATES SUPREME COURT IN DEVENPECK ET AL. v. ALFORD, 543 U.S. 146 (December 13, 2004), CITING THE WASHINGTON STATE APPELLATE COURT STATE v. FLORA, 68 Wn.App. 802, 845 P.2d 1355 (December 14, 1992), WHICH SAYS THAT WE THE PEOPLE HAVE THE RIGHT TO SECRETLY TAPE RECORD ALL INTERVIEWS AND QUESTIONING BY DSHS CPS SOCIAL WORKERS, ALL COURT HEARINGS AND ALL POLICE OFFICERS DURING ALL TRAFFIC STOPS WITHOUT THEIR CONSENT, WITHOUT EVEN INFORMING THEM AND YOU DON'T NEED THE JUDGE'S PERMISSION!

The United States Supreme Court held in Devenpeck et al. v. Alford, 543 U.S. 146 (December 13, 2004), that citizens of Washington State have the right to secretly tape record police officers during traffic stops without their consent and without informing them citing State v. Flora, 68 Wn.App. 802, 845 P.2d 1355 (December 14, 1992).

“[T]ape recording officers conducting a traffic stop is not a crime in Washington.” . . . “No objectively reasonable officer could have concluded that arresting [respondent] for taping the traffic stop was permissible,” 333 F.3d, at 979.” Devenpeck et al. v. Alford, 543 U.S. 146, at 152 (December 13, 2004). And;

“Tape recording officers conducting a traffic stop is not a crime in Washington. See Wash. Rev.Code § 9.73.030 (1)(b) (prohibiting recording of private conversations); State v. Flora, 68 Wn.App. 802, 845 P.2d 1355 (1992) (finding that recording an arrest made by public officers performing functions on public thoroughfares did not violate Washington law because the arrest did not constitute a private conversation).” Alford v. Haner, 333 F.3d 972, at 976 (June 23, 2003). And;

“We have also repeatedly held that conversations with police officers are not protected under the act. See Lewis, 157 Wn.2d at 460.” State v. Kipp, 179 Wn.2d 718, at 732 (February 6, 2014). And;

“Because it was clearly established under Washington law at the time of the arrest that recording a police officer in the performance of his public duties was not a violation of the Privacy Act and it was unreasonable for Chief Nelson to believe otherwise, we hold that the Chief is not entitled to qualified immunity.” Johnson v. Hawe, 388 F.3d 676, at 679 (9th Cir. 2004). And;

“The State charged Flora with recording his arrest, a private conversation in violation of RCW 9.73.030. . . . Because we hold that the conversation at issue was indeed not private, we do not reach Flora’s other assignments of error. Flora contends the trial court erred in denying his motion to dismiss for failure to state a cause of action. We agree. RCW 9.73.030, the statute under which Flora was convicted, provides in pertinent part: Intercepting recording or divulging private communication – Consent required – Exceptions. (1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington,

its agencies, and political subdivisions to intercept, or record any: . . . (b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation. . . . The conversation at issue fails this threshold inquiry; the arrest was not entitled to be private. Moreover, the police officers in this case could not reasonably have considered their words private. Because the exchange was not private, its recording could not violate RCW 9.73.030 which applies to private conversations only. We decline the State's invitation to transform the privacy act into a sword available for use against individuals by public officers acting in their official capacity. The trial court erred in denying Flora's motion to dismiss. Flora's conviction is reversed and the case dismissed." State v. Flora, 68 Wn.App. 802, 805-06, 808, 845 P.2d 1355 (December 14, 1992). And;

"Finally, as the State notes, this court and the Court of Appeals have repeatedly held that conversations with police officers are not private. See, e.g., Clark, 129 Wn.2d at 226 (no reasonable expectation of privacy in a conversation with an undercover police officer when it "takes place at a meeting where one who attended could reveal what transpired to others"); State v. Bonilla, 23 Wn.App. 869, 873, 598 P.2d 783 (1979) ("It would strain reason for Bonilla to claim he expected his conversations with the police dispatcher to remain purely between the two of them."); State v. Flora, 68 Wn.App. 802, 808, 845 P.2d 1355 (1992) ("Because the exchange [between a police officer and an arrestee during an arrest] was not private, its recording [by the arrestee] could not violate RCW 9.73.030 which applies to private conversations only."); see also Alford v. Haner, 333 F.3d 972, 978 (9th Cir. 2003), rev'd on other grounds sub nom. Devenpeck v. Alford, 543 U.S. 146, 125 S.Ct. 588, 160 L.Ed. 2d 537 (2004) (noting that State v. Flora established that a traffic stop was not a private encounter for purposes of the privacy act); Johnson v. Hawe, 388 F.3d 676, 682-83 (9th Cir. 2004) (holding that an individual who videotaped a police officer during an arrest did not violate RCW 9.73.030 because the officer had no reasonable expectation of privacy in his communications with other over his police radio)." Lewis v. Dep't of Licensing, 157 Wn.2d 446, at 460, 139 P.3d 1078 (August 3, 2006); State v. Mankin, 158 Wn.App. 111, 119, 241 P.3d 421 (October 19, 2011).

For more definitions of what constitutes a "**private conversation**", see also State v. Clark, 129 Wn.2d 211, 225, 916 P.2d 384 (1996); Kadorianian v. Bellingham Police Dep't, 119 Wn.2d 178, 190, 829 P.2d 1061 (1992); State v. Slemmer, 48 Wn.App. 48, 52, 738 P.2d 281 (1987); State v. Forrester, 21 Wn.App. 855, 861, 587 P.2d 179 (1978), review denied, 92 Wn.2d 1006 (1979); State v. Bonilla, 23 Wn.App. 869, 872, 598 P.2d 783 (1979); Jeffers v. Seattle, 23 Wn.App. 301, 315, 597 P.2d 899 (1979); W. Prosser, Torts 808 (4th ed. 1971); Katz v. United States, 389 U.S. 347, 19 L.Ed.2d 576, 88 S.Ct. 507 (1967); United States v. White, 401 U.S. 745 (April 5, 1971).

For help beating your traffic tickets or suing the cops violating your rights to record them in secret without their consent and without informing them, please contact Luis Ewing at 1 - (360) 335-1322 or 1 - (253) 226-3741 or <rcwcodebuster@aol.com> or <rcwcodebuster@yahoo.com> or <http://www.luisewing.com> or <http://www.ultimateusers.com> or <http://www.CPSEExposed.com>