



# OARPO



## Oregon Association of Reserve Peace Officers

December 2021/January 2022

Volume 7; Number 1

*Mission Statement - OARPO strives to bring together the common interest of reserve programs in the areas of standards, communications and training while raising the level of our profession.*

**2022 OARPO Conference - March 5, 2022**



HUMAN TRAFFICKING

It Haunts Us all!



### *From the President*

COVID continues to isolate many in our communities. As onerous as that has been, it becomes a minimal inconvenience compared to those isolated by the web of Human Trafficking. Issues of slavery have been a recent topic of discussion in the media. We as a country made such practice illegal more than 150 years ago, but the problem still exists. The idea of forced servitude is foreign to most of our experiences. Perhaps that is why human trafficking continues just below our conscious thought. Do not be lulled; it exists, and it is right at our doorsteps. Victims can be anyone, although young women and those with limited language skills are at higher risk. Last year there were an estimated 750 victims in Oregon alone. Portland is the second largest city for forced child prostitution in the United States right after Las Vegas.

That is why this year's conference will focus ways to identify and counter this threat to our most vulnerable residents.

*Tyler Hale, Gladstone PD*



## OREGON AT THE EPICENTER OF HUMAN TRAFFICKING EPIDEMIC; LOCAL ORGANIZATIONS WORK TO FIND SOLUTIONS

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(KDRV Medford – October 1, 2020 – Alicia Rubin reprinted with permission)

“People don’t realize that sex trafficking with children is a silent epidemic in the United States,” said Kirsten Arreguin, the Director of Redemption Ridge.

“What we know is that traffickers will take their victims up and down the I5, stop in cities along the way for a couple of nights, make some money and then move on,” said Staysha Hackmann, the Sex Trafficking Intervention Coordinator for Community Works.

Hundreds of children are exploited along the I5 corridor on a monthly basis. “Portland is the second largest city for forced child prostitution in the United States right after Las Vegas,” says Arreguin.

Human trafficking is not what you might expect, rather than what you see in the movie Taken, traffickers are manipulators, they target vulnerable people, sometimes children and use the same tactics that cult leaders use.

“Most commonly, an individual is pretending to be in a relationship with somebody, making them feel like there’s a love and a care and compassion from that person,” said Hackmann, who is also a sex trafficking survivor, “They listen to them they make them feel like they’re a part of their world and a part of their family.”

“The highest risk group are kids who are in foster care and kids who are runaways,” said Arreguin, “A lot of traffickers lure kids in by saying, “I’m so sorry this happened to you,” “Come here and I’ll take care of you,” “You’re so pretty” and “We’re going to be just fine together,” and then the tables turn on these kids and they find out that they’ve been abducted to be used as a commodity.”

Traffickers spend considerable time in areas where children congregate such as parks, malls, youth shelters and on social media in order to carefully lure their victims into sex slavery.

“They say all the right words, maybe they arrange to meet up with someone who they think is going to be a boyfriend,” says Arreguin, “but he’s not a boyfriend, he’s in a business and his business is trafficking children for sex.” Traffickers then bond themselves to their victims by further manipulation, taking away their basic needs and in some cases, getting them addicted to drugs. “That is a weapon of a trafficker, to get a young girl addicted to drugs. That keeps her with him,” said Arreguin.

“It’s a lot of manipulation, it’s a lot of deprivation of basic human needs. Sleep deprivation is really common, making you work extreme hours on a regular basis withholding food and drink so that your cognitive function is no longer processing the way that it should be,” said Hackmann.

Since 2007, Oregon has enacted roughly 25 bills to address human trafficking. On a local level, Community Works and Redemption Ridge are two organizations that operate out of Medford and work to raise awareness for sex trafficking while providing tools to community members and parents to protect themselves and their children.





“We’re working on getting our hotels trained, we’re working on getting our officers trained, we’re working on training medical staff, any kind of social service work, mental health we’ve got representation from the CAC, hearts with a mission, SART,” said Hackmann.

“If you’re in a PTA or you have a service club or some sort of community group or church group call us and start putting yourself on the list for us to come to your group,” says Arreguin.

Redemption Ridge is kicking off a new initiative this month to educate parents and the public on how to prevent the trafficking of children.

“If people want to fight forced prostitution of children and sex trafficking the first thing is become aware and get some education,” said Arreguin.

Join OARPO [www.OARPO.org](http://www.OARPO.org), a sub-chapter of the OPOA [www.OPOA.info](http://www.OPOA.info)

## Law Enforcement Action, Self-Defense, and Jury Trial – Are You Prepared?

*Thomas Freedland, OARPO Executive Board – Retired LASD*

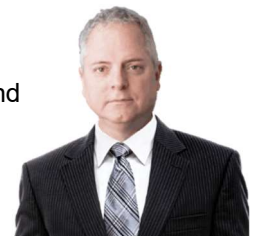
Law Enforcement has come under attack in the last few years. The false claims of “hands up; don’t shoot” in Ferguson, the screams of racism with the death Breonna Taylor and the shooting of Jacob Blake, and the ordeal of the trials of Kyle Rittenhouse, Derek Chauvin, and Kim Potter. Portland had nearly 200 nights of rioting that was only interrupted by poor air quality from forest fires.

The added scrutiny makes working in law enforcement more difficult. The Defund the Police movement seems to be losing steam, but the critics are waiting for any opportunity. What happens to you in a use of force incident? If it occurs on-duty you might find protection from your agency. If off-duty, the situation might be different, especially if it occurs in a different jurisdiction.

As a reserve, what is your status off-duty? Do you retain police powers? Do you know the principles of self-defense? Attorney Andrew Branca ( [www.lawofselfdefense.com](http://www.lawofselfdefense.com) ) is an expert on the topic. I would encourage you to visit his website and obtain his book. He explains the key components necessary to establish self-defense – Innocence, Imminence, Proportionality, Avoidance, and Reasonableness.

THE  
LAW  
OF **SELFDEFENSE**

Attorney Branca was asked to follow and provide commentary on these three recent trials (Chauvin, Rittenhouse, and Potter). The synopsis of each case can be found in Branca’s blog on his website and on the website for Legal Insurrection. He critiqued both the good and bad, and the applicable state law.





In the case of Derek Chauvin, Branca observed the prosecution failed to establish the legal elements for the violations charged. The “famous video” showed Chauvin’s knee was not compressing the neck. The defense experts’ testimony established doubt as to the cause of death, yet the jury came back with a guilty verdict.

In the Rittenhouse case, the prosecution’s evidence established the incident as self-defense long before the defense presented their side of the story. One might question the wisdom of entering an “urban war zone,” but 17-year-olds believe they are invincible. Then again, so do many cops and we willingly enter hazardous situations.

*(The following commentary was taken from Andrew Branca’s December 28, 2021, Blog post from the Law of Self-Defense. Minor adjustments were made for spacing and clarity. I give full attribution to Andrew Branca. My original intent was to edit for brevity; however, the points made are necessary to grasp the challenges of emotionally charged prosecutions.)*

Branca called Kim Potter’s conviction “a blatant miscarriage of justice” since *manslaughter in this case properly required proof beyond a reasonable doubt of reckless conduct. Such reckless conduct requires the conscious disregard by Potter of an unjustifiable risk of death or serious bodily injury to Duante Wright. The jury was presented with exactly zero evidence that Potter consciously disregarded the risk that resulted in Wright’s death.*

*It was uncontested throughout the trial that Potter never even knew she had a gun in her hand during her encounter with Wright; one cannot consciously disregard a risk that one does not know exists.*

*To the extent that Potter ought to bear responsibility for unintentionally killing Wright, that responsibility is at worst based on negligence, the unknowing creation of an unjustified risk, and subject her to merely civil liability. Absent a conscious disregard of risk, for which no evidence exists in this case, her conduct cannot qualify as recklessness raising criminal liability.*

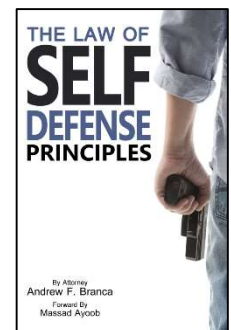
*This distinction between negligence raising merely civil liability—that Potter should have known she was creating an unjustified risk of death—and recklessness raising criminal liability—that Potter did know she was creating an unjustified risk of death—is extremely old and well-established law, and found throughout the relevant Minnesota law, including the jury instructions provided the jury in this trial, and the relevant case law on recklessness in the contexts of both manslaughter and firearms use.*

*With respect to manslaughter in the first degree, the relevant jury instruction requires in relevant part that the state must prove beyond a reasonable doubt that the risk created by Potter was one “she is aware of and disregards.”*

*Similarly, the jury instruction regarding manslaughter in the second degree requires in relevant part that the state must prove beyond a reasonable doubt that the risk created by Potter was one she “consciously took.”<sup>i</sup>*

*In this case the prosecution never argued that Potter was aware that she had a gun in her hand, and therefore was aware that she was creating a risk of death or serious bodily injury and consciously disregarded that risk.*

*Worse, during the state’s rebuttal—meaning, after the defense no longer had any opportunity to make a counter-argument to the jury—the prosecution informed the jury that they had no legal obligation to prove that Potter was actually aware that she was holding a gun, and thus they had no obligation to prove beyond a reasonable doubt that Potter was aware that she had created a risk of death or serious bodily injury and disregarded that risk.*







*The state thus told the jury that they could find Potter guilty of manslaughter based on recklessness even when the prosecution had not proven beyond a reasonable doubt that she had consciously disregarded the risk that caused the death. That's not the law of manslaughter and not the law of recklessness.*

*What might conscious disregard of risk have looked like in this case? Imagine that hypothetically Potter had found herself in a struggle alongside her fellow officers to lawfully arrest Duante Wright, went to deploy her Taser, and suddenly realized that she'd accidentally left it back at the station house.*

*She then intentionally decides to draw her Glock 17 pistol, not to inflict deadly force but merely to pretend that it was her Taser in order to bluff Wright into ceasing his resistance. Then, in the full knowledge that she had an actual gun in her hand, something about the struggle induces Potter to unintentionally fire the weapon, killing Wright.*

*Arguably, such a knowing deployment of a firearm under those conditions would constitute creating an unjustifiable risk that Potter "is aware of and disregards," as required for manslaughter in the first degree, or the creation of an unjustified risk that Potter "consciously took," as required for manslaughter in the second degree.*

*No evidence of such knowing disregard or conscious risk-taking was presented in this trial, however.*

*In effect, then, the State created out of whole cloth a novel theory of manslaughter that has no foundation in Minnesota law, presumably because the actual evidence in this case failed to support the actual Minnesota law on reckless manslaughter.*

*Perhaps there is merit to such a theory of manslaughter, and perhaps there is not, but that is a decision for the Minnesota legislature, not for the prosecution in a particular criminal trial of an individual defendant.*

*Further, Judge Regina Chu, presiding over this trial, failed in her fundamental duty to ensure that the jury was properly instructed in the relevant law when she effectively permitted the State to give the jury improper instruction on the law, and without correction from the bench, leaving a naïve jury to accept that misstatement as actual Minnesota law from which they could find guilt.*

*The jury is properly the finder of fact, but the law is defined for them by the court—leaving it up to the jury to decide the legal issue of whether recklessness requires a knowing disregard of the risk in question is a fundamental failure of the trial court, an act of violence against due process of law, and a miscarriage of justice.*

*It must be noted that although the defense team in this trial did a reasonably good, and often excellent, job on cross-examination of state witnesses and direct examination of defense witnesses, Attorney Earl Gray fell far short of excellence in his closing argument, where he oddly chose to expend considerable time on the not compelling argument of superseding causes instead of the key to the entire case of the absence of intentional disregard of known risk.*

*That said, the defense did object after the state's rebuttal to the prosecution's claim that they need not prove beyond a reasonable doubt that Potter knew she had a gun in her hand in order to establish the knowing disregard of risk needed for the recklessness required for conviction on either manslaughter charge—an objection, by the way, to which Judge Chu oddly chose to not directly respond—so at least that critical issue is preserved for appeal.*

*Nevertheless, as I've often noted in the past, appeals are for losers, with all the legal presumptions now favoring the verdict of guilt rather than favoring the defendant's innocence and incurring possibly years of*



*time—which Potter will spend in prison—and huge sums of legal funds—which Potter will need to provide from her own resources.*

*Potter does have one possible advantage on appeal that most criminal appellants do not have, however. In most cases a successful appeal does not mean that the defendant has suddenly been found not guilty, it merely means that the defendant is entitled to a new trial, one in which they might very well be convicted again.*

*In the case of Potter, however, if her conviction is reversed because of the misstatement of criminal recklessness allowed by Judge Chu in this trial, a second trial (probably also presided over by Judge Chu, by the way) would presumably require a correct instruction on recklessness—and it would not seem that a trial on a correct version of reckless manslaughter would be viable on the facts of this case, given the absence of any evidence of knowing disregard of risk.*

In summary, you may have done everything right, but the jury must balance the case as presented to them as well as the community pressure and personal emotions. There are always risks to consider.

<sup>1</sup> In terms of case law on this question of recklessness, an illustrative Minnesota Supreme Court decision on this issue is *State v. Frost*, 342 N.W.2d 317 (MN Sup. Ct. 1983). *Frost* quotes the well-respected legal treatise “Wharton’s Criminal Law” which provides a concise and well-established distinction between mere civil negligence, on the one hand, and criminal recklessness, on the other.

*“Recklessness” and “negligence” may be defined in the following manner:*

*A person acts “recklessly” when he consciously disregards a substantial and unjustifiable risk that the element of an offense exists or will result from his conduct...*

*A person acts “negligently” when he should be aware of a substantial and unjustifiable risk that the element of an offense exists or will result from his conduct...*

*Each actor creates a risk of harm. The reckless actor is aware of the risk and disregards it; the negligent actor is not aware of the risk but should have been aware of it.*



# 2022 ORPO TRAINING CONFERENCE

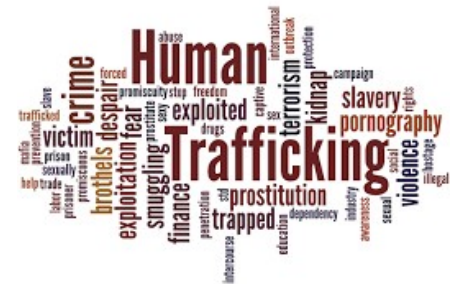
## Oregon Association of Reserve Peace Officers

March 5th, 2022  
Keizer Community Center  
930 Chemawa Road NE  
Keizer, OR 97303



### Agenda

- 0730 Sign in – Registration (Coffee & Continental Breakfast)
- 0800 Opening Remarks – Tyler Hale, Gladstone Police Department, President of ORPO
- 0815 Session 1 Human Trafficking  
Rusty Amos - Clackamas County DA's Office
- 1200 Catered Lunch (Included on site)
- 1300 Session 2 Human Trafficking Survivors
- 1500 Session 3 Ever Changing Case Law and Legal Updates
- 1630 Raffle drawings and closing remarks



\*In the event COVID-19 restrictions cause a cancellation, all registration fees will be fully refunded.

### Conference Costs: (Includes Catered Lunch on site)

	Reserve Officer	Regular Officer
Registration Fees	\$ 70.00	\$80.00
	<b>Register by Feb 25th so we have a lunch count</b>	

Contact Information Questions on signing up for attendance please contact

**Corey Medeiros:** Email: [Treasurer@ORPO.org](mailto:Treasurer@ORPO.org)

#### Payment & Registration:

Make Checks payable to: ORPO (Credit or Debit cards may be accepted on the ORPO.org web page)

Mail registration and payment: ORPO, P O Box 3686, Tualatin, OR 97062

#### Lodging options:

##### Government rates available:

Holiday Inn Express & Suites, 6150 Keizer Station Blvd. Keizer, OR 97303 (1.8 miles from conf center)

Quality Suites, 5188 Wittenberg Lane NW, Keizer- 503 390-4733 (0.4 miles from conference center)