

## Girls

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escorts who appear in its prostitution ads, even though it knows that ads are usually the ones who create the ads, or force their minor sex slaves to do so," the complaint said.

The lawsuit alleges that photos of the underage girls in skimpy garb appeared in numerous ads on the site, paid for by their pimps

McDougall, the company's attorney, offered sympathy for the young women.

"The stories of the girls identified in the complaint are tragedies. However, the commercial sex exploitation of children is an extremely complex problem on the streets and online, and it must be fought intelligently," McDougall wrote in an email to the newspaper.

"Backpage.com is at the forefront of fighting it intelligently online with a triple-tier prevention system and an unparalleled law enforcement support system."

Also on Friday, Backpage attorneys won a procedural victory in federal court. U.S. District Court Judge Ricardo Martinez granted an injunction that halts a new state law that would require classified advertising companies to verify the ages of people in sex-related advertisements.

Gov. Chris Gregoire signed the law this year to cut down on child sex trafficking. It had been scheduled to take effect in June.

The decision issued by U.S. District Court Judge Ricardo S. Martinez on Friday is temporary, until the full case can be heard in court.

## Force

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ness during a Feb. 25 struggle outside a residence on Madrona Place.

The defendant, Jason Mann, was charged with two counts of assault of a police officer for allegedly resisting the officers during the struggle. His attorney, Deborah Murphy, argued at trial that Mann acted in self-defense in resisting the officers' excessive force.

The jury could not decide whether Mann assaulted the officers. The jury hung, with 10 jurors voting to convict Mann of assaulting the officers and two voting to acquit him.

Jurors were not asked to consider whether the officers overstepped the "reasonable force" standard in their interactions with Mann, but the case put the officers' progressive application of force during the struggle with Mann under a microscope.

The Olympia Police Department has said its officers followed the department's policies and procedures. Those policies follow the same "reasonableness" standard used by the courts, Police Chief Ronnie Roberts told The Olympian.

Spurling, 46, who has a fourth-degree black belt in karate, sat down with The Olympian in a recent interview to explain the process by which officers decide how to legally use force, and how he teaches cadets to make the right decisions.

Officers deciding to use force must weigh what's reasonable while making "split-second decisions in fast, tense, rapidly evolving situations," Spurling said, quoting a 1989 U.S. Supreme Court opinion, *Graham v. Connor*.

When an officer pulls a car over for speeding, for instance, he or she doesn't know whether the driver is an armed, fleeing felon or a scared, otherwise law-abiding citizen who simply has a lead foot or is late for work, Spurling said.

An error in judgment can be fatal. The number of law enforcement officers dying in the line of duty in the United States increased by 14 percent between 2011 and 2012, according to the National Law Enforcement Officers Memorial Fund.

Recent instances of officers killed in the line of duty, including four Lakewood officers shot to death in 2009, should be at the forefront of any officer's mind, said Spurling, who can reel off a list of officers killed by suspects who took the officer's firearm - King County sheriff's deputy Richard Her-

zog, killed in 2002; Chelan County sheriff's deputy Saul Gallegos, killed in 2003; and Federal Way police officer Patrick Maher, also killed in 2003.

An officer's use of force should always be proportionate to the threat facing the public safety or the officer, and law enforcement agencies need clear policies on when and how force is to be used, said Doug Honig, director of the American Civil Liberties Union of Washington.

"They need to train officers well in those policies, with leadership making crystal clear that excessive use of force will not be tolerated," he said. "And officers need training on how to de-escalate confrontations, so that force isn't used in situations where it can reasonably be avoided."

"If a police department does not respond effectively to an incident of excessive use of force, this undermines community trust and

Last month, a jury heard a case in which two Olympia police officers punched, tased and used a technique similar to a chokehold on a 27-year-old man who lost consciousness during a Feb. 25 struggle outside a residence on Madrona Place

makes it harder for the department to do its essential job of protecting public safety."

Ultimately, an officer must interpret situations and decide how much force to use on a case-by-case basis. And, Spurling notes, those circumstances are like snowflakes: No two are alike.

Technically, Spurling said, "use of force" starts with the simplest of actions - an officer turning on a patrol car's lights and siren to pull over a vehicle. "Use of force is woven into everything that we do," he said.

During 110 hours of classroom and hands-on training, cadets are shown the difference between lawful and excessive force, including during life-threatening situations. They're also taught to meet resistance with a higher level of force in order to gain control and prevent injury to the officer or the other person, Spurling said.

Officers are told to look first at the level of resistance the person is offering: none, noncompliance, verbal, active, assaultive or

## Odessa Brown



PHOTO BY SUSAN FRIED

Safeway grocery stores in Washington raised over \$42,000 for the Odessa Brown Children's Clinic, which houses a comprehensive Sickle Cell Program that provides care for children and families affected by the disease with high quality, accessible, and culturally appropriate care. Families obtain services in a trusted environment with a full scope of services including medical care, social services, mental health care, nutrition, WIC, neuropsychology, and genetic counseling. The Safeway check will benefit families throughout the Central District.

life-threatening.

Remaining standing or sitting in a location when an officer asks a person to leave is an example of noncompliance, Spurling said.

Arguing a traffic ticket is an example of verbal resistance, he added.

Active resistance is any use of strength to resist an officer's commands. That includes walking away when an officer is lawfully commanding the person to stay where he or she is, Spurling said.

Assaultive resistance can be verbal or physical.

Under the right circumstances, a verbal assault can be of greater concern to an officer than a physical assault, Spurling said. For example, a muscular, angry person with felony warrants who tells an officer he is going to kill him might be more of a threat than a drunken 17-year-old who takes a

and endurance far beyond what might be expected based on the person's size and weight - can be fatal to an officer, Spurling said. During such a state, the person might show little or no effect after being punched, pepper-sprayed or shot with a Taser, he said.

If the person shows such signs of "inhuman strength," he said, the officer should immediately call for help from backup officers and try to overpower the person.

"A Taser has its limitations," Spurling said. "There's nothing we have that's guaranteed."

Cadets also learn the importance of maintaining control of their gun belts, Spurling said. In a struggle in close quarters, the other person might try to wrestle away an officer's pepper spray, baton or firearm.

"Anytime there's a fight and you're within arm's reach of me, every one of my weapons is available to you," Spurling said.

In addition, the length of the struggle increases the chance of making a mental mistake, Spurling said.

Research shows 80 percent of people lose the ability to process complex thoughts in any life-threatening situation, he said. That's why schools and businesses conduct fire drills, so people have practice and a plan for how to act rationally during an emergency, he added.

To teach cadets how to make decisions when exhausted, "we make them fight," Spurling said, sometimes after completing an obstacle course or as many pushups as they can stand.

When an officer resorts to force, he or she must be able to articulate why, Spurling said. The Olympia Police Department's use-of-force policy states: "When force is applied, officers must be able to articulate how that force was reasonable and how it conformed to the law."

For many officers, Spurling said, articulating why force was used is one of the most difficult parts of the job.

During just one minute of a close-quarters struggle, an officer might instinctively respond to any number of punches, kicks, lunges and grabs, he said. Afterward, it can be difficult to write a report giving a coherent narrative of what happened during the heat of the moment, he said.

"Rebuilding five seconds of physical activity is really hard to do," Spurling said.