

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,  
AMENDING RESOLUTION NO. M-2137 BY ADDING A THIRD EXEMPTION TO THE  
MORATORIUM ON USE BY THE OLYMPIA POLICE DEPARTMENT OF LESS-THAN-LETHAL  
AGENTS SUCH AS TEAR GAS (CS GAS), PEPPER SPRAY, SMOKE, MACE, OR OTHER AGENTS  
USED AS LESS LETHAL TOOLS BY LAW ENFORCEMENT FOR CROWD CONTROL PURPOSES,  
DURING THE PERIOD OF THE CORONAVIRUS COVID-19 PANDEMIC**

**WHEREAS**, the Olympia City Council recognizes its responsibility to protect public peace, health, safety, and welfare during the COVID-19 pandemic and to also protect the rights of persons to lawfully exercise their rights under the First Amendment and to peacefully assemble and demonstrate in the City of Olympia.

**WHEREAS**, on June 16, 2020, the Olympia City Council approved Resolution No. M-2137, which directed the City Manager to impose a moratorium on use by the Olympia Police Department of less-than-lethal agents such as tear gas (CS gas), pepper spray, smoke, mace, or other agents used as less lethal tools by law enforcement for crowd control purposes during the period of the coronavirus COVID-19 pandemic; and

**WHEREAS**, on July 7, 2020, the Olympia City Council determined a need for a third exemption to the prohibition on use by the Olympia Police Department of less-than-lethal agents to include situations where three or more persons are engaged in criminal mischief resulting in destruction of property or setting fires; and

**WHEREAS**, the Olympia City Council deems it in the best interests of public health and the safety of the citizens and residents of the City of Olympia to amend the moratorium declared in Resolution No. M-2137 on the use of tear gas, pepper spray, mace, smoke and other less-than-lethal agents for crowd control purposes during public demonstrations for the duration of the COVID-19 pandemic;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

**Section 1.** Resolution No. M-2137, Section 2, is hereby amended to read as follows:

The City Manager is hereby directed to impose an immediate moratorium by the Olympia Police Department prohibiting the use of tear gas, pepper spray, mace, smoke and other less-than-lethal agents for crowd control purposes during public demonstrations, which pose a risk of coughing and mucus generation, until such time as the COVID-19 pandemic has ended or until Thurston County and the City of Olympia is in Phase 5 of the Governor's *Safe Start—Stay Healthy* plan, except as may be necessary in situations involving extreme risk to public safety, such as and including but not limited to, hostage situations or events or locations where persons are engaging in violence and assaultive behavior against other persons who are at risk of severe injury or death or where three (3) or more persons are engaged in criminal mischief resulting in destruction of property or setting fires.

**Section 2.** Further, the Olympia City Council hereby ratifies and confirms actions of the City Manager already taken in response to the Council's motion to amend Resolution No. M-2137 regarding the moratorium on the use of less-than-lethal agents for crowd control purposes, passed by the Council at its business meeting on July 7, 2020.

**PASSED BY THE OLYMPIA CITY COUNCIL** this 14th day of July 2020.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

**Mark Barber**

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CITY ATTORNEY