

Rules and Procedures

Rule 202

August 12, 1980

Rule 202 - PICKETING, STRIKERS AND LABOR DISPUTES

This rule is issued to establish guidelines for uniformed personnel when they are required to deal with labor disputes, strikes and picketing. It is effective immediately, superseding all previously issued written directives concerning police action in these situations and amends Rule No. 202 issued June 22, 1976.

Sec. 1 GENERAL CONSIDERATIONS

The police role at the scene of any labor dispute is to maintain order while protecting life and property. Similarly, the police are required to protect the rights of citizens who are exercising their right to peaceably assemble. It is where these conflicting interests clash that the police role becomes complex. Violence cannot be tolerated nor may the denial of egress and ingress to premises being picketed or the interference with the use of public thoroughfares be allowed to continue.

The key to effective police action in these circumstances is to be fair and objective in the performance of police duties. Police officers must not allow themselves to become the focus of the dispute. They must avoid taking sides or provoking any action that could result in violence. If violence does occur the police cannot ignore their duty to restore order. In doing so they are reminded to use the minimum force necessary.

Requests for the services of police officers at labor disputes will be performed by off-duty officers as special assignments at the prevailing overtime rate for the maximum basic salary of the officer so assigned. (This will not include any differential pay for detectives or specialists.) Such special assignments shall be mandatory and assigned and recorded similar to present overtime assignments. Private business concerns requesting such services will be billed by the Police Department and payments to officers recorded and reported in the usual manner.

Sec. 2 POLICY

It must be noted that both sides in a labor dispute have definite rights and responsibilities. Strikers have a right to assemble and to picket peacefully to publicize and dramatize their cause. They do not have the right to intimidate non-strikers or to impede persons or vehicles entering or leaving an employer's property. The employer has a right to conduct his business and to have his property safeguarded from damage or destruction. The police task is to protect the rights of both sides. This can become increasingly difficult as a strike becomes protracted. In such cases, the police must remain tolerant and patient but never reluctant to take decisive action when necessary.

Arrests at picket and/or strike scenes should be avoided except for flagrant violations which require immediate action. Only the minimum force necessary shall be used to effect arrests. Offenders shall be removed as quickly as possible to avoid an emotional reaction from fellow picketers or strikers. Whenever possible, it is preferable to obtain sufficient information to present to a court later for the issuance of a court process against the persons concerned.

Sec. 3 PROCEDURES

An important factor in avoiding disorder and the subsequent necessity for making arrests is to establish an early contact with the leaders of demonstrations and/or strike leaders and company officials. At such a meeting police responsibility can be set out in detail and the cooperation of the prospective participants can be sought as their obligation to maintain public safety and good order is made clear to them by a police spokesman.

When a strike is imminent or has already begun, a department spokesman shall meet with representatives of management and labor, preferably including picket captains, to advise them of police policy with respect to picketing. (A similar meeting shall be arranged, when possible, with leaders of any civic group picketing or group which is known to be contemplating picketing.) The means by which this police policy would be carried out should be clearly explained and an attempt should be made to reach an understanding with respect to the actions of all concerned parties.

Area commanders shall conduct or assign police spokesman to conduct such meetings as are required by this section and then notify the Division of Informational Services of the outcome of the meeting. The Division of Informational Services shall make a public announcement when such a meeting is held and the understanding that was reached by the concerned parties. If the parties involved in a strike cannot be brought together in a meeting with the police the area commander shall notify both management and labor by letter of the police policy and the means intended to be used to enforce it. A public announcement shall then be made that such notice was given.

When a picket line is established, it shall be the obligation of the officer in charge at the scene to make contact with the leader of the pickets and seek his cooperation. Good relations between the police and pickets can ease law enforcement problems.

If an incident arises, or if it is apparent that a potentially dangerous situation is arising, it should be called to the attention of the picket leader immediately. He should be encouraged to handle the problem promptly. In many instances, this will eliminate the need for police intervention.

Police officers shall not enter company property during a strike except to perform a proper police purpose. They shall not park department or personal vehicles upon company property or use any company facilities. At a strike scene, police officers shall not use a company cafeteria nor shall they accept invitations to eat with either union or management personnel.

Pickets must leave sufficient room on sidewalks for pedestrian traffic. When the picket line is moving there must be sufficient room between pickets to allow a person to pass through without colliding with the pickets. Police officers shall ensure that all persons who wish to do so have the opportunity to enter or leave premises peacefully. Pickets must not interfere with the use of public thoroughfares either by pedestrian or vehicular traffic. Vehicles must be allowed to enter or leave premises where a strike is in progress.

When picketing is conducted contrary to the provisions of this rule the pickets shall be given specific instructions as to what actions they will be required to take in order to comply with police policy. If such instructions are not complied with a sufficient number of police officers shall be employed to carry out the department policy. Any persons resisting or interfering with such police action may be arrested and removed from the scene.

When possible, if violence occurs or is obviously imminent, the area should be cordoned off until order is restored or the threat of violence removed.

NOTE: Rule No. 202, promulgated June 1976, was amended August, 1980 by inserting the third paragraph in Section One. (From General Order No. 346, March 30, 1971).