

		Policy & Procedures			No. 7.02	
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CALEA STANDARDS

46.1.3

46.1.7

22.3.4

GENERAL CONSIDERATIONS AND GUIDELINES

The police role at the scene of any labor-management conflict is to enforce the law and to protect life and property. The key to effective police action in these circumstances is to be completely fair and objective in the performance of their duties. It is not the function of the police to determine which side is right or wrong or to take any personal or official positions either way. Police officers should never permit themselves to be placed in any position that might have the appearance of favoring one side or the other.

Labor disputes usually represent legitimate differences of opinion on the part of both management and employees. These differences may have existed for a long time and the final decision to strike may create a very tense and emotional situation, which can test the competency and effectiveness of the police to the utmost. If labor violence erupts, the police cannot ignore the duty to restore order but, in doing so, they cannot use unnecessary force on otherwise law-abiding citizens.

It should be noted that both sides in a labor dispute have definite rights and responsibilities. The 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 from entering or leaving the employer's property. Management has a right to keep his business open and to have his property safeguarded from damage or destruction.

It is the task of the police to protect the rights of both sides and this can become increasingly difficult when a strike becomes protracted. In such cases, the police must remain tolerant and patient but never be reluctant to take decisive action when the need arises.

Arrests at strike scenes should be avoided except for flagrant violations requiring immediate attention. Only sufficient force shall be used to effect such arrests and remove the offenders from the scene as quickly as possible to avoid an emotional reaction by fellow strikers. Whenever possible, it is preferable to obtain sufficient information for a summons. An important factor in avoiding disorder and the subsequent necessity for making arrests is to be established early contact with the strike leaders and company officials. Cooperation should be sought, pointing out the police responsibility in the controversy and the obligation to maintain public safety and good order.

6.2 PROCEDURES

6.2.1 Whenever the police department is notified of the existence of a strike or labor dispute, the following information will be obtained for Department purposes:

- a. the name, business address and telephone number of the employer;
- b. the name, address and telephone number of the union concerned;
- c. the kind/type of business involved;
- d. the reason for the dispute;
- e. the date the strike was declared;
- f. the approximate number of employees involved;
- g. any trouble that might be anticipated;
- h. any additional information that could be of assistance to the police department in carrying out its responsibilities.

6.2.2 As soon as possible, the Chief of Police or his representative will meet with the employer and the union officials to ensure that there will be no unlawful activity by any of the contending parties. Both sides in the dispute will be notified:

- a. that the use of force or violence will not be permitted;
- b. that the law will be enforced fairly and impartially;
- c. that any unlawful or disorderly act or acts that might provoke violence will be prevented.
- d. that the rights of the general public to use the public streets and sidewalks will be maintained;
- e. that the rights of the striking employees to conduct orderly picketing in public areas will be protected;
- f. that the striking employees will be permitted to:
 1. peacefully persuade those still employed to join the strike;
 2. peacefully persuade those considering employment not to do so and
 3. inform potential customers and the general public about the labor dispute and the reasons for their action.

6.2.3 When a strike develops and a picket line is established, it shall be the obligation of the Officer in Charge at the scene to make contact with the union leader supervising the picket line and seek his cooperation. Picket leaders are usually responsible persons selected for their leadership ability. Good relations between the police and the strikers can ease the problems of law enforcement.

- 6.2.4** If an incident arises or it is apparent that a potentially dangerous situation is arising, it should be called to the attention of the picket leader immediately and he should be encouraged to handle the problem immediately. In many cases, this will eliminate the need for intervention by the police.
- 6.2.5** Police officers shall avoid any fraternization with pickets, union leaders or management officials.
- 6.2.6** Police officers shall avoid any unnecessary conversation with known friends or acquaintances who may be in the picket line or associated with management.
- 6.2.7** Police officers shall not enter company property except to perform a proper police purpose. They shall not park department or personal vehicles on company property or use any company facilities or telephones nor those of the union, unless absolutely necessary.
- 6.2.8** Police officers shall not fraternize with company security guards or with non-striking personnel.
- 6.2.9** Police officers shall not use any company cafeteria and shall not accept invitations to eat either with union or management personnel.
- 6.2.10** Police officers shall ensure that all persons who wish to, have the opportunity to enter and leave company premises peacefully.
- 6.2.11** If the picket line closes to prevent such entrance, the picket leader will be requested to open the line to provide free access to the company property. If the picket leader fails to comply with this request or the pickets do not respond to his orders the officers shall open the line to facilitate the movement of persons and vehicles. When it is necessary to open picket lines, officers shall face the pickets rather than the persons or vehicles entering the company property in order to observe the actions of the pickets and prevent physical injury or property damage.
- 6.2.12** Trucks entering or leaving the property present special problems. Pickets have the right to present their case to the driver and shall be allowed a reasonable time for this purpose. If the driver requests advice from the police, he/she shall be advised to make a personal decision. If possible, this should be done in the presence of the picket leader and within earshot of the pickets. Under no circumstances shall the police advise a truck driver to enter or leave the company property.
- 6.2.13** Police officers are assigned to duty at the scene of a labor dispute for the specific purpose of protecting public safety and maintaining peace and good order. In carrying out these sensitive duties, they must conduct themselves at all times in a professional manner and never, by word or act, create any doubt of police neutrality in the controversy.

- 6.2.14** To avoid creating the impression that police are encouraging or forcing persons in vehicles to enter the premises, officers on traffic duty should avoid signaling drivers to turn into the property. An alternative is to signal traffic only to proceed along the public way and to stop such traffic when a driver signals his intention to turn into the premises, across such traffic.
- 6.2.15** This policy should be carried out consistently in conjunction with all other relevant Canton Police Department policies.