

**POLICY
313**

**EFFECTIVE
DATE
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Eugene Police Department



Strikes and Labor Disputes

This policy is intended to be used in conjunction with General Order 801.1 and other relevant department policies.

PART I - Policy

PART II - Responsibilities and Procedures for Sworn Personnel

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PART I - Policy

The parties in a labor dispute have rights as well as responsibilities. Strikers may assemble and demonstrate peacefully to bring attention to their cause, but they do not have the right to intimidate non-strikers or to impede business. The employer has a right to keep the business open and operational, free from undue interference, intimidation, damage, or destruction. Within this context, it is our policy that officers assigned to strikes and labor disputes shall deal fairly and impartially with the parties involved and with reasonable consideration of the emotional environment involved in these events, while upholding their sworn responsibilities to protect life and property and to protect the rights of all parties involved.

PART II - Responsibilities and Procedures for Sworn Personnel

A. Generally

1. Your duty is to:
 - Protect life and prevent personal injury;
 - Protect the statutory and constitutional rights of all parties involved;

- Protect personal and public property; and
 - Maintain public peace.
2. Do not fraternize or engage in unnecessary conversation with picketers, management personnel, or bystanders.
 3. Do not enter company property except to conduct necessary police business.
 4. Do not park vehicles on the premise, or use the facilities or services of labor or management unless absolutely necessary.

B. Arrests

1. Follow supervisory direction regarding our enforcement posture.
2. Verbal abuse against officers, unaccompanied by threats, should not be the sole reason for arrest. Language that incites others to violence or to commit other unlawful acts may form the basis for enforcement action.
3. Keep arrests for minor law violations to a minimum. Attempt to control such conduct through conversation with picket captains, union representatives, and management personnel.
4. Attempt to verify unlawful acts not committed in your presence. Warn picket captains or management representatives that recurrence of such acts may result in arrest.
5. Discourage consumption of alcohol by picketers or others. If violations of law occur, enforcement action may be taken with supervisory approval.
6. Arrests may be made of those persons committing unlawful acts of a substantive nature, or those who persist in committing unlawful acts in your presence.
7. In deciding whether to make an arrest, you should consider:
 - a. The availability of adequate numbers of suitably equipped officers to provide back-up; and
 - b. The seriousness of the offense relative to the potential negative effects an arrest may have as an incitement to violence or other unlawful behavior.

C. Operation of picket lines

1. You must protect the right of strikers to lawfully picket and their right to attempt to persuade others to honor their picket lines.
2. You must protect the right of non-striking employees, customers, and members of the public to enter or leave the site of the strike.

3. If either labor or management personnel attempt to interfere with another's lawful activity, bring that fact to the attention of the appropriate strike captain or management supervisor.
4. Advise persons attempting to cross hostile or potentially hostile picket lines of the possible danger involved. If appropriate, attempt to dissuade them, and advise them that they must follow police instruction if they choose to cross.
5. Provide necessary breaches in picket lines to allow interested parties to cross, and personally escort pedestrian traffic across the line to a safe distance.
6. Provide access for vehicular traffic through picket lines after giving the warnings in paragraph 4 above.

D. Injunctions

1. An injunction is a Writ or Order of the Court, restraining a person or group of persons from engaging in a particular act. An injunction is a civil process involving the affected parties.
2. We do not enforce injunctions unless they include an order directing us to do so. Normally the aggrieved party would initiate legal action for "Contempt of Court" by contacting legal counsel and filing the appropriate motions.

PART III - Responsibilities and Procedures for Supervisors and Command Personnel

A. Preparation

1. A command officer will be designated to be in charge of police operations related to the labor dispute. This will normally be the Special Operations Captain.
2. As soon as possible, this person (or his/her designee) will contact the business(es) and labor union(s) involved:
 - a. Inform them we are aware of the strike (or impending strike);
 - b. Advise them of our policy regarding enforcement and protection of individual and corporate rights;
 - c. Emphasize to the union the importance of peaceful demonstration, and that their rights to legally assemble and picket will not be interfered with as long as they do not interfere with the company's legal rights to transact business;
 - d. Advise them on our position regarding warning and arresting demonstrators, and the need to maintain communication at all times between police and both union and management leaders. Get names of

responsible parties for each side and how to contact them.

3. Determine staffing and equipment needs. In doing so, consider:
 - a. The number of pickets, their attitude and organization;
 - b. The number of non-strikers, anti-strikers, and bystanders;
 - c. Whether the business(es) affected will attempt to stay open, and whether non-striking employees will attempt to enter the premises; and
 - d. The cooperation of all parties involved in the strike.

B. During the incident

1. Do not use non-sworn personnel in strike details, except in a support role.
2. Reserve officers may be used with the approval of the command officer in charge, preferably in positions not dealing directly with striking workers.
3. Provide officers with guidelines regarding when to issue citations and make arrests.
4. Determine the appropriate number, rate of passage, and speed of vehicles being allowed to cross the picket line.

JAMES R. HILL
Chief of Police