

2.01-6

DAYTON POLICE DEPARTMENT
GENERAL ORDER
LABOR STRIKES



RICHARD S. BIEHL – DIRECTOR AND CHIEF OF POLICE

REV. 7/12

POLICY STATEMENT

The Dayton Police Department will remain completely impartial at the scene of a *labor dispute*. Our primary function is to protect life and property. Our secondary function in a labor dispute is to assist all parties involved in the peaceful operation of a strike by encouraging open communication and discussion with the police regarding all strike-related problems. Departmental personnel will **NOT** tolerate violence or threats of violence by any person at the strike scene, interference with, or denial of, the right to enter or exit the strike premises, a union's right to peacefully picket, or the use of public thoroughfares for lawful purposes.

I. INITIAL POLICE RESPONSE

- A. Upon learning of a labor strike, the respective Division Commander will immediately contact the Assistant Chief of Police. The Assistant Chief, or their designee, will contact the company and unions involved, and advise them of the following:
 - 1. The Department is aware of the *strike*.
 - 2. The Department's intent is that the *strike* to remain peaceful. Any involvement by the Police Department will be impartial in nature.
 - 3. The Department is willing to work closely with both sides, and wishes to openly discuss any anticipated problems BEFORE or during the *strike*.
- B. The Division Commander will direct their Watch Commanders to supply **both** sides with copies of the letter from the Chief of Police (See Appendix A), which explains the City's position regarding *labor strikes*.
- C. If the police or any other party believes a meeting is necessary to discuss potential problems, the Chief or their designee, will arrange a conference with Union and Management personnel and picket captains. At this meeting, the Chief or their designee will explain the *Strike Policy* and attempt to reach an understanding acceptable to both parties.
- D. When a *strike* begins, the Division Commander will observe the scene to ascertain whether it is peaceful. Beat crews are encouraged to maintain a dialogue with pickets at the *strike scene*, and to stress that the police are **impartial** in strike situations; our function is a **peace keeping** one.
- E. To determine the degree of surveillance and number of uniformed officers needed, the Division Commander will consider the following:
 - 1. The number of pickets, their behavior, attitude, and organization (i.e. are the picket captains in control of their members, et cetera?).
 - 2. The number of "outsiders" (non-strikers, anti-strikers, bystanders) and their behavior and attitude.
 - 3. Whether the company being picketed will close or remain open; whether nonstriking employees will attempt to enter the strike premises.
 - 4. The cooperation of all parties involved in the dispute.



II. CONDUCT OF ALL PERSONS IN THE STRIKE ZONE

The conduct of all persons in a strike zone **MUST** be lawful. The Division Sergeant will locate picket captains, union representatives, and representatives of management at the scene and ensure they have a copy of the Chief's letter. The Sergeant will supply a copy of the letter to persons not possessing copies.

A. Behavior That Endangers Life and Property Will Not Be Tolerated!

1. If unlawful acts occur in the presence of an officer, the person committing such acts will be subject to arrest.
2. If unlawful acts do **NOT** occur in the presence of an officer, the officer notified of such acts will conduct a full investigation to determine whether such acts did occur. If so, they will attempt to identify the person responsible. If this person can be identified, appropriate prosecution may be taken. Issue a warning as follows:
 - a. If pickets committed an unlawful act, the **picket captain** is contacted and **WARNED** that failure to control their members may result in police intervention.
 - b. If management is responsible for such acts, a **management representative** is contacted and **WARNED** that failure to control their people may result in police intervention.
 - c. If bystanders committed an unlawful act, **WARN** the **bystanders** that they will be arrested if such conduct persists.
3. If unlawful conduct persists, and **PROBABLE CAUSE** exists, implement the arrest procedure.

B. **Abusive language**, not accompanied by serious threats, is **NOT** cause for an arrest; however, language that urges people to violate the law will **NOT** be tolerated.

C. Discourage consumption of alcoholic beverages in the strike zone. Advise persons observed drinking such beverages at the strike scene that police will **STRICTLY ENFORCE** alcohol-related laws (i.e. public intoxication, disorderly conduct, etc.).

III. OPERATION OF PICKET LINES

Strikers have the right to peacefully picket and peacefully attempt to persuade others to honor their picket lines.

- A. Pickets **MUST** leave enough room on sidewalks for pedestrian traffic, and must **NOT** interfere with the use of public thoroughfares. Pickets in a moving picket line **MUST** leave enough room to allow pedestrians and vehicles to pass by without colliding with the pickets. If pickets violate this policy, issue the picket captains **specific instructions** to comply with.
- B. If the strike scene becomes congested because of mass picketing, cordon off the area and re-route traffic. Consult with union and management personnel before reopening the area.
- C. Pickets have the right to ask any person not to cross their picket line. If the pickets appear to physically prevent a person from crossing the picket line, contact the picket captain and attempt to reach a peaceful solution by explaining the rights of persons desiring to enter or exit the premises.
 1. If this fails, and the person insists on crossing the picket line, assess the potential danger of such action. Clearly point out the risk to the person's safety and explain the potential for creating an outbreak of mass violence. If the potential for violence is great, try to dissuade the person from crossing the picket line.
 2. If this fails, advise the person that he/she must accept the risk in crossing.



3. Escorting persons through a picket line is not recommended, but police officers should separate the picket line to provide an entrance or exit. This will support the City's policy to not tolerate interference with entrances and exits at the strike scene.
4. Try to prevent acts of violence. If violence does occur, attempt to arrest those responsible.

IV. POLICE OFFICER'S RESPONSIBILITY IN STRIKE ZONE

- A. Keep arrests for minor violations to a minimum. Most minor incidents can be resolved with picket captains, union representatives, or management personnel, by merely asking a person to leave the area.
- B. If a party to a strike obtains an injunction or other court order, do NOT contact the party against whom the order is directed. The court MUST enforce its order. Do not take action unless ordered, in writing, by a court of competent jurisdiction.
- C. To determine whether or not to arrest, consider the size and attitude of the crowd.
 1. Do NOT attempt an arrest unless adequate police personnel are at the scene to provide ensure backup protection.
 2. Whenever arrests are made, the Division Commander, in the Division affected, is to immediately notify the Chief of Police.
- D. If the situation is getting out of control, contact all parties involved (picket captains, union and management representatives) and give specific instructions for maintaining order. Summon a supervisor to the scene, if one is not already present.
- E. Anytime an incident in a strike zone requires significant police intervention and/or arrests, submit a **Special Report** (original and 1 copy), in addition to any other reports.

Address the Special Report to the appropriate Patrol Operations Division Commander. Forward one copy to the Division Commander and one copy to the Chief's office.

- F. Division Commanders may require a Special Report from the beat crew until the strike is terminated. If so, execute the Daily Report the same as the Special Report in "E" above.

V. DIVISION COMMANDER'S RESPONSIBILITY

- A. Maintain a sufficient supply of the Chief's letter and the City maps (copy at end of policy), to adequately provide unions and management with copies, when instructed by the Chief of Police to distribute them.
- B. Distribute the letter instead of the Strike Policy. The map is furnished to inform Management and Labor groups of the responsible Police District's venue.



Appendix A:

TO WHOM IT MAY CONCERN

The City of Dayton regrets that you are involved in labor problems. We sincerely hope that police intervention will not be necessary, but in the event that it does, the primary responsibilities of the police department will be as follows:

1. To maintain a completely neutral and impartial position.
2. To preserve the peace and protect life and property.
3. To assist all participants in the peaceful operation of the strike by encouraging open communication and frank discussion of all strike related problems.
4. To not tolerate violence or threats of violence at strike locations.
5. To preserve the right of INGRESS and EGRESS to and from the strike locations.
6. To assist on preserving the union's right to peacefully picket.
7. To ensure that public thoroughfares are kept open for lawful use by all citizens.

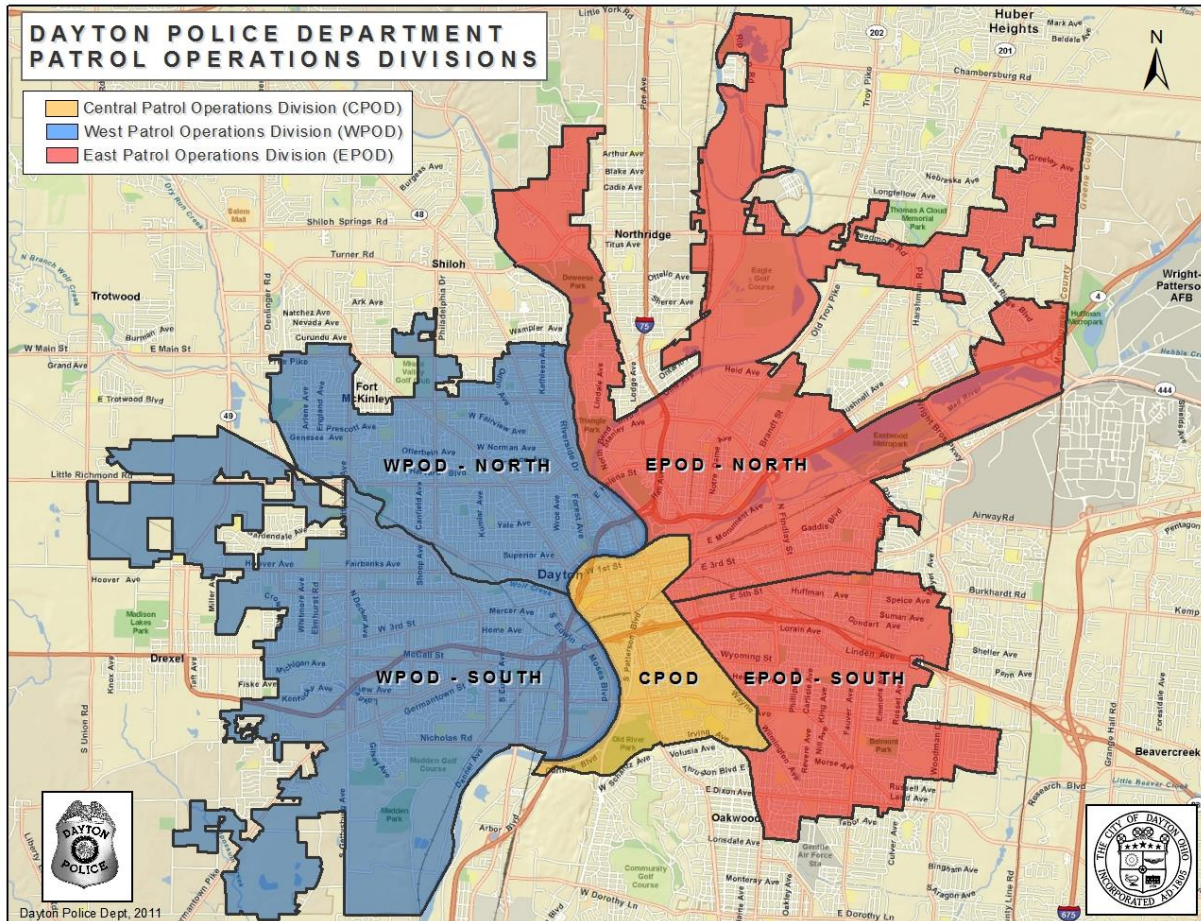
It is requested that the management and union notify the Division Commander of their respective police division when a strike is imminent or has begun. (See map on reverse side for division boundaries and telephone numbers.)

As the Chief of Police, I stand ready to meet with representatives of both management and labor to fully explain the police mission pertaining to labor disputes, as well as the rights of all participants. It is my desire that management and labor make every possible effort to maintain control over their personnel so as to avoid strike scene arrests. If the peace and tranquility of the community is threatened, arrests will be made and those arrested will be prosecuted to the fullest extent of the law.

Copies of the Dayton Police Department Labor Strike Policy will be made available to all parties at any meetings with my designee or me, prior to or during the labor dispute.

Sincerely,

Richard S. Biehl
Director and Chief of Police



POLICE DEPARTMENTS PHONE (937) 333-COPS (2677)

EMERGENCY 911

EAST PATROL OPERATIONS DIVISION 333-7440

CENTRAL PATROL OPERATIONS DIVISION 333-1108

WEST PATROL OPERATIONS DIVISION 333-8950