

	<b>RUTGERS UNIVERSITY POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM</b>		<b>8:19</b>
	<b>PROTESTS, LABOR DISPUTES AND DEMONSTRATIONS</b>		
	<b>Effective Date: 10-21-2011</b>		<b>Supersedes:</b>

#### **8:19-1 GENERAL**

- a. The purpose of this directive is to define this department's role in dealing with labor disputes and protestors and to safeguard the rights, life and property of others. This directive is not intended to be an all-inclusive set of procedures to be followed in every incident of this type, but instead be a general guide for members of this department in determining the best course of action to take. Because of the rapidly evolving nature of this type of incident, there is no precise formula for the application of these guidelines.
- b. Personnel assigned to labor disputes and protests shall remain fair, impartial, and maintain a reasonable consideration of the emotional environment involved in these events while upholding their sworn responsibilities to protect life and property and protect the rights of all parties, including, but not limited to: the right to free speech and assembly within the context of the First Amendment to the U.S. Constitution.
- c. Parties involved in labor disputes or protests have rights as well as responsibilities. Strikers/protesters may assemble and demonstrate peacefully to bring attention to their cause; but, they do not have the right to intimidate the public or to impede business. Citizens have a right to keep their homes and/or businesses free from undue interference, intimidation, damage or destruction.
- d. Although many of the provisions of this directive deal specifically with labor disputes, the tenets and subsequent procedures are applicable to political and other civil/social events. Personnel should be continually aware that protests, especially for political and/or religious reasons, tend to polarize people and may attract counter-protestors.
- e. Generally, an incident action or special operations plans will be implemented for any strike, demonstration or protest. Each incident is unique and may necessitate different operational considerations. The procedures contained within this directive are intended to guide general police behavior at these events.
- f. All demonstrations/pickets require an incident report for documentation and intelligence purposes.
- g. Personnel shall remain cognizant that labor disputes are not always planned and coordinated with this department; personnel arriving upon disputes shall immediately inform the duty road supervisor and forward any available intelligence to the communications center.

#### **8:19-2 PROCEDURES**

- a. Operational control of personnel assigned to a labor dispute or protest is the responsibility of the Incident Commander or designee.
- b. Where circumstances permit, the Incident Commander, Duty Supervisor, OEM Liaison or designee shall identify the management representative or protest

organizer/leader and contact the involved parties (labor organization, student group, etc...) in order to:

- Inform them that the police department is aware of the event (or impending event) and advise them of department policy relating to the enforcement of law and protection of personal and corporate rights;
  - Emphasize the importance of a peaceful demonstration, that the rights to legally assemble and protest will not be interfered with so long as it does not interfere with the legal rights of others; and
  - State the department's position on warning and arresting demonstrators and the need to maintain communication at all times between police personnel and picket line/protest leaders.
  - Obtain necessary and relevant operational information related to planned or potential protest/demonstration activities (i.e. city permits, equipment, participant movements, etc).
- c. The Incident Commander, Duty Supervisor, OEM Liaison or designee, should attempt to learn the purpose of the picket/demonstration, number of pickets/demonstrators, and cause the incident to be documented, including any conversation with the involved parties.
- d. Some pickets/demonstrations may not be organized therefore the above provisions (8:19-4b & 8:19-4c) may not be feasible. It is recognized that in these instances advanced intelligence may not be readily available.
- e. If insufficient personnel are available to adequately staff the event, the Incident Commander may:
- Utilize personnel from other divisions with the permission of the appropriate division commander, Chief of Police, etc. (if time permits); and/or
  - Invoke this department's mutual assistance agreements; and/or
  - Assign personnel on overtime; and/or
  - Request the assistance of Tactical Resources as discussed at Directive 8:8.
- f. In determining staffing and equipment needs, the incident commander or designee should consider:
- The number of (or anticipated number of) pickets/protestors, their attitude and philosophy;
  - The number of non-pickets/protestors, anti-pickets/protestors, spectators and bystanders;
  - Whether the establishment being picketed (if applicable) will attempt to stay open and whether non-picketing employees will attempt to enter the premises; and
  - The cooperation of all parties involved in the picket/protest.
  - Time of day, day of the week, weather conditions, location (residential, commercial, private, etc.).
  - Vehicular and pedestrian traffic concerns (sidewalks, barricades, parking lots, etc.)
  - Media, public information issues (shadow traffic, staging areas for media, etc.)
- g. Duties and Responsibilities of Assigned Personnel

1. General duties and responsibilities of personnel assigned to labor strikes are
  - Protection of life and prevention of personal injury;
  - Protection of statutory and constitutional rights of all parties involved;
  - Protection of personal and public property; and
  - Maintenance of public peace.
2. The duty supervisor or designee is responsible for continued monitoring of the situation and the Department's operational response. As necessary the duty supervisor will:
  - Set up a command post;
  - Designate a radio frequency for all communications concerning the disturbance;
  - Initiate a request for mutual aid in accordance with Directive 7:40;
  - Determine necessary traffic control;
  - Ensure necessary equipment is obtained;
  - Ensure Command Notifications are accomplished as required at Directive 11:1.
3. To avoid claims of partiality, personnel are generally prohibited from fraternizing or engaging in any unnecessary conversation with picketers, management personnel or bystanders.
4. Personnel should not enter private/company property except to conduct necessary police business, nor shall they park vehicles or use the facilities or services of labor or management unless absolutely necessary.
5. Arrests for minor law violations should be kept to a minimum, and efforts should be made to control such conduct through the picket/protest captains, union representatives or management personnel. The incident commander shall coordinate this and keep assigned personnel informed.
6. Personnel shall attempt to verify unlawful acts committed by picketers when not committed in police presence. Picket captains or management representatives shall be warned that recurrence of such acts may result in arrest. Arrests should be made thereafter where probable cause exists. All allegations should be documented on an incident report for possible latent investigation. When applicable, referrals should be made to the municipal court.
7. Verbal taunts towards officers should be ignored. When unaccompanied by threats or other unlawful activity, verbal taunts shall not be the sole reason for arrest. Inciting violence or other unlawful acts shall form the basis for physical removal and/or arrest of those responsible when applicable.
8. Consumption of alcohol by demonstrators on public property is prohibited by municipal ordinance; picket captains shall be warned that recurrence of such acts will result in arrest. Subsequent arrests should be made with supervisory approval.
9. Persons committing unlawful acts of a substantive nature or those who persist in committing unlawful acts in the presence of an officer shall be subject to arrest. Decisions on making arrests should include
  - The availability of adequate numbers of suitably equipped personnel to provide backup; and

- The seriousness of the offense relative to the potential negative effects it may have as an incitement to violence or other unlawful behavior.  
When arrested, the actor(s) shall be removed from the scene for processing as soon as possible
- h. Operation of Picket Lines
  1. Picketers/demonstrators have the right to peacefully picket and to persuade others to honor their picket line as long as their activities do not violate laws such as trespassing, blocking traffic, or disorderly conduct, etc.
  2. Non-striking/demonstrating members of the public have the right to enter or leave the site of the strike/demonstration
  3. Personnel should advise persons attempting to cross hostile or potentially hostile picket lines of the possible danger involved; if appropriate, attempt to dissuade them of such action and, advise them that they must follow police instruction if they choose to cross.
  4. Personnel should provide for necessary gaps in picket lines to allow interested parties to cross and shall personally escort pedestrian traffic across the line to a safe distance.
- i. Vehicular traffic shall be provided with access through picket lines after having been given appropriate warnings as stated in 8:19-4h(3). The volume, rate of passage and speed of vehicles crossing picket lines shall be determined by the incident commander.
- j. Equipment needs will vary depending upon the reason for and the magnitude of the demonstration/picket. Equipment may include, but is not limited to
  - Protective helmets
  - Batons
  - Shields
  - Nylon handcuffs
  - Bull horn
  - Video or still camera
  - Mass arrest equipment
- k. Prolonged events require the designation of an individual to be responsible for operational plans, under normal circumstances this responsibility will be assigned to the OEM Liaison Officer. Responsibilities include the planning for and communication of plans for subsequent operational periods and the active compilation of other information made necessary by the scope and magnitude of the event.
  - This eliminates the duplication of effort and ensures a consistent response by the Department.
  - All agency supervisors within the effected geographic division shall be provided a copy of this plan to ensure a mutual understanding of associated procedures.
- l. The Incident Commander or designee is responsible for reducing the number of personnel at the scene and those involved in related tasks, as the need for them subsides. Some security may need to be provided after the crowd has been dispersed.

- m. The incident commander is responsible for ensuring the after action reporting requirements (as discussed at 8:4-4) are properly fulfilled.

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