

220. PICKETING



RICHFIELD POLICE DEPARTMENT POLICY

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Authority: Chief Jay Henthorne

NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this Policy is to provide officers with general guidelines for handling problems with picket lines, picketers, and employers experiencing a strike.

II. POLICY

Strikers have certain rights under State law to picket employers. However, disruptive or illegal behavior by the picketers or the struck employer will not be tolerated. Officers of this Department will not intervene in a labor dispute between picketers and employer unless absolutely necessary to maintain public order and safety.

III. PROCEDURE

Strikers have the right to be present on public property (roadway or parkway) as long as they are not blocking traffic or violating any other traffic code provision.

Strikers have the right to gather on private property of the struck employer or the property of some third party only with the consent of the property owner.

In instances where there is no area of public property where strikers can set up pickets without blocking traffic or violating other traffic code provisions, it is suggested that the struck employer be urged to provide a place for pickets on its private property. Officers should exercise judgment if they attempt such suggestion to the struck employer. An employer cannot be forced to provide such a place.

It is necessary for the property owner or the employer to secure an injunction against the picketing in the State or Federal District Court. The Department does not have authority to make arrests for mass picketing in the absence of a court order requiring such arrests.

Mass picketing has been prohibited by the Minnesota Supreme Court under certain circumstances. There is no set number of pickets which constitutes mass picketing and it will vary from case-to-case, depending on the circumstances.

If confronted with a mass picketing situation where a large number of pickets are causing the blockage of traffic or are violating the disorderly conduct statute, the officer in charge should attempt to talk to leaders of the pickets to secure their voluntary reduction in the number of pickets.

Arrests may not be made for the mass picketing, but citations may be issued or arrests made for other criminal violations.

Ambulatory Picketing (where the pickets follow a truck in their cars) is not illegal so long as the traffic code is not violated.

The following actions are prohibited and should be discouraged through enforcement of applicable laws and ordinances:

- 1) Assaultive conduct either by strikers or struck employer.
- 2) Damage to real estate or personal property either by strikers or struck employer.

- 3) Disorderly conduct (obscene, abusive or boisterous language or conduct likely to result in assaultive conduct) either by strikers or struck employer is prohibited. What constitutes disorderly conduct in a given situation is a judgment call on the part of the officer.
- 4) Blocking traffic on public roadways.

The drinking of intoxicating beverages should be discouraged through aggressive enforcement of liquor ordinances.

By Order Of:


Chief of Police

