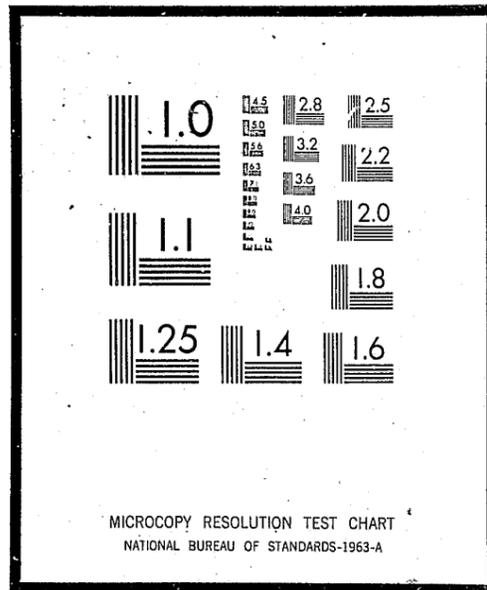


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U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

Date filmed

5/12/76

## SEATTLE POLICE DEPARTMENT MEMORANDUM

DRAFT

TO All Seattle Police Department Employees

DATE May 23, 1974

FROM R. L. Hanson  
Chief of Police, Interim

SUBJECT <sup>SEATTLE - POLICE DEPARTMENT -</sup> CONTINGENCY PLAN FOR WORK STOPPAGE AND LABOR DISPUTES

1.0 PURPOSE:

To provide a contingency plan for continued police operations in the event of work stoppage by civilian and/or sworn police personnel honoring union picket lines; and/or in the event of disruptive tactics by strikers.

2.0 ORGANIZATION AFFECTED:

2.1 Seattle Police Department

3.0 REFERENCES:

- 3.1 City Charter, Article V, Section 2, "Powers and Duties of Mayor."
  - 2 Ordinance 102850, relating to public peace, safety and good order.
  - 3 Ordinance 97330, as amended, generally referred to as the "salary ordinance."
  - 4 Fair Labor Standards Act, relating to overtime payment to non-exempt personnel.
  - 5 City Charter, Article VI, Section 5, First. "Process Directed to Chief of Police; Chief to maintain Peace."; Second. "Powers of Policemen in making Arrests;..."
  - 6 Seattle Police Department Manual of Rules and Procedures.
  - 7 Seattle Police Department Training Bulletin #71-7, "Labor Management Disputes."
  - 8 Agreement by and between the City of Seattle and the Seattle Police Officers' Guild as adopted by Ordinance 102154.
  - 9 Agreement by and between the City of Seattle and the Seattle Parking Meter Checkers Association.
- 3.10 Agreement by and between the City of Seattle and the Seattle Police Civilian Employees, Teamsters Local 763.

29057

3.11 Agreement by and between the City of Seattle and the Joint Crafts Council.

POLICY:

4.1 It is the policy of the City of Seattle that essential City services be maintained in the event of a work stoppage. Top priority shall be given to public health and safety functions. The Seattle Police Department is responsible for a portion of the public safety function; and has the responsibility to enforce all laws protecting the rights of all citizens.

5.0 DEFINITIONS:

5.1 Work Stoppage - For the purposes of this policy, a work stoppage is defined as the unauthorized absence from work of any group or groups of employees.

5.2 Essential Services - Examples of essential services are police, fire, health, sanitation, public safety, and/or related services as specified by the Mayor.

6.0 RESPONSIBILITY:

6.1 In the event of a work stoppage the Mayor has final responsibility for determining which programs and functions shall continue to operate. The Office of the Mayor also has responsibility to coordinate public information and news releases relative to a work stoppage.

6.2 In the event of a work stoppage the Chief of Police has the responsibility to maintain the peace and quiet of the city. The Chief of Police shall manage the Police Department and shall prescribe rules and regulations consistent with law for its government and control; provided, that the Chief of Police shall be responsible to the Mayor for the administration of the Police Department and the enforcement of law.

6.3 In the event of a work stoppage, it is the responsibility of the Industrial Relations Unit of the Police Department to maintain a close relationship and rapport with the industry leaders, union officials, and management authorities, to gain information in the labor dispute, so the efforts of the Department can be better coordinated, and reduce the need of uniformed personnel.

6.4 The Industrial Relations Unit can make the necessary contacts with union representatives to ensure that essential deliveries are continued. Problems should be referred to that Unit.

PROCEDURE:

7.1 Basic Patrol services and Police Communications are the two essential services that must be performed in event of a work stoppage.

7.2 Non-represented employees

7.2.1 Lieutenants and above in sworn category

7.2.2 Non-sworn management personnel:  
Director, Fiscal and Property Management  
Director, Community Service Officer Section  
Director, Laboratory Division  
Head Cook, Food Section Jail Division  
Supervisor, Identification Section

7.2.3 Non-supervisory personnel

7.2.3.1 Operations Bureau: 13 civilian C.S.O.'s;  
100 civilian crossing guards

7.2.3.2 Administrative Services Bureau: 6 civilians,  
accounting division; 1 civilian Property  
Section; 2 civilians, payroll section.

7.2.3.3 Investigations Bureau: 4 civilians, S.A.R.P.;  
1 civilian, Administrative Unit.

7.2.3.4 Technical Services Bureau: 36 custody officers;  
8 civilians in Services and Supply Section;  
48 in R.E.F.C.; 2 in Court Unit; 9 in Laboratory  
Division; 30 in Communications.

7.3 Represented personnel whose organization may not be involved in work stoppage.

7.3.1 There are no represented personnel whose duties and stations would not be affected.

7.4 Manning document to cover essential services; Available strength and proposed assignments for existing police personnel under extraordinary labor circumstances. This subject will be covered in three stages or combination of events as follows.

- 7.4.1 Stage One -- All civilian employees stay off the job; sworn personnel continue to report.
- 7.4.2 Stage Two -- All civilian employees stay off the job; fifty percent of all sworn Guild members call in sick.
- 7.4.3 Stage Three -- All civilian employees stay off the job; all Guild members stay off the job.
- 7.4.4 It is recognized that the above stages are unrealistic; they are intended to form a base only, for required planning.
- 7.4.5 The following represents the number of personnel available for each of the three planning stages:

<u>Classification</u>	<u>Normal</u>	<u>Stage I</u>	<u>Stage II</u>	<u>Stage III</u>
Police Administrators	71	71	71	71
Civilian Administrators	19	19	19	19
Police Supervisors	132	132	67	
Police Officers	903	908	454	
Civilian Employees*	303			
Totals	1433	1130	611	90

\*not including School Crossing Guards (100)

- 7.4.6 In the event of a Stage One occurrence the following police divisions will require augmentation on a priority basis:
  - 7.4.6.1 Communications Division -- 40 Police Officers (replace 61 civilians)
  - 7.4.6.2 Jail Division -- 40 Police personnel (replace 59 civilians)
  - 7.4.6.3 Records Division -- 20 Police personnel (replace 61 civilians)
  - 7.4.6.4 The following Divisions will continue to function with assigned sworn personnel only: Public Information Division, Fiscal and Property Management Division, Water and Air Patrol Section.

- 7.4.6.5 The Special Operations Division will constitute a tactical reserve force consisting of:

- 1 Major
- 1 Captain
- 2 Lieutenants
- 6 Sergeants
- 40 Police Officers

- 7.4.6.6 The following Divisions will cease normal operations, assigned personnel will be available for augmentation of priority divisions:

- 7.4.6.7 Traffic Division, consisting of:

- 1 Major
- 1 Captain
- 3 Lieutenants
- 11 Sergeants
- 64 Police Officers

- 7.4.6.8 Research and Inspections Division, consisting of:

- 1 Major
- 2 Lieutenants
- 3 Sergeants
- 5 Police Officers

- 7.4.6.9 Internal Investigation Division, consisting of:

- 1 Captain
- 2 Lieutenants
- 5 Sergeants
- 2 Police Officers

- 7.4.6.10 Total available for Stage One:

- 2 Majors
- 2 Captains
- 7 Lieutenants
- 19 Sergeants
- 70 Police Officers

7.4.6.11 The following units will reduce normal operations to a minimum and be prepared to provide augmentation to the Patrol force as required:

Personnel Division  
Vice Section and Narcotics Section  
Criminal Investigation Division  
Juvenile Division  
Training Division

Total Personnel available:

2 Majors  
7 Captains  
13 Lieutenants  
35 Sergeants  
168 Police Officers

7.4.6.12 During this stage, and all subsequent stages, the Intelligence Section will cease normal operations and will be assigned to the Industrial Relations Section of the Community Relations Division.

7.4.7 In the event of a Stage Two occurrence, the following Divisions will be augmented, on a priority basis, to the minimum strength possible for adequate support of the Patrol Division:

Communications Division, minimum... 40  
Jail Division, minimum..... 40  
Records Division, minimum..... 20

7.4.7.1 The following Divisions will continue to function with the assigned available personnel:

Public Information Section  
Fiscal and Property Management Division  
Intelligence Section...continue Industrial Relations assignment  
Water and Air Patrol Section

7.4.7.2 The following Divisions will cease normal operations and all available personnel will be made available to the Patrol Division:

Special Operations Division  
Traffic Division  
Research and Inspections Division  
Internal Investigation Division  
Personnel Division  
Vice/Narcotics Sections  
Criminal Investigation Division  
Juvenile Division  
Training Division

7.4.7.3 All available personnel will be placed on a twelve hour shift basis.

7.4.7.4 Anticipated available personnel under Stage Two and assignments are as follows:

Communications Division  
2 Police Administrators  
2 Police Supervisors  
36 Police Officers

Jail Division  
2 Police Administrators  
2 Police Supervisors  
36 Police Officers

Records Division  
3 Police Administrators  
8 Civilian Administrators  
17 Police Officers

Public Information Division  
1 Police Administrator  
1 Police Supervisor  
5 Police Officers

Fiscal and Property Management Division  
3 Civilian Administrators  
(includes civilian administrators for other, non-operating divisions)

Intelligence Section...continue Industrial Relations assignment  
1 Police Administrator  
2 Police Supervisors  
4 Police Officers

Water and Air Section  
1 Police Administrator  
1 Police Supervisor  
17 Police Officers

Patrol Division  
56 Police Administrators  
not including the Chief of Police  
and four Assistant Chiefs of Police  
60 Police Supervisors  
339 Police Officers

7.4.7.5 Not included in the above are a possible additional eight civilian administrators that would be available for assignment consistent with available skills.

7.4.8 In the event of a Stage Three occurrence all police units will cease operations with the exception of the following assignments:

Communications Division  
1 Chief of Police  
4 Police Administrators  
10 Civilian Administrators

Records Division  
6 Civilian Administrators

Public Information Section  
1 Police Administrator

Fiscal and Property Management Division  
3 Civilian Administrators

Intelligence Section...continue Industrial Relations assignment  
1 Police Administrator

Patrol Division  
4 Assistant Chiefs  
60 Police Administrators

7.4.8.1 All available personnel will be on a twenty-four hour day. This duty day will consist of a twelve hour active duty shift and a twelve hour standby duty shift. It will be necessary for Fiscal and Property Management to provide emergency facilities in the Public Safety Building to accomplish the above.

7.4.8.2 All prisoners will be transferred to the County Jail or released according to individual circumstances.

7.4.8.3 All outlying police facilities will be closed. All weapons, radios, and vehicles will be transferred to the Public Safety Building.

7.4.8.4 At this Stage all remaining available SPD personnel will have, as a primary responsibility, the duty of policing the labor problem. Normal police activity must be handled by outside agencies as follows:

King County Department of Public Safety  
Washington State Patrol  
Washington National Guard (if called up)

7.4.8.5 Liaison with the above agencies will be as directed by the Chief of Police.

7.4.9 Division Commanders will ensure proper attendance accountability.

7.4.10 Personnel who may not participate in work stoppages, both represented and non-represented, will report to their regularly assigned duty stations.

7.4.11 Contingency Plan for continued police operations in the event SPOG members will not cross picket lines around police facilities.

7.4.11.1 Patrol Operations

7.4.11.1.1 The Chief of Police shall petition the strikers to stand aside in the interest of public safety and allow the sworn members to proceed with police service.

7.4.11.1.2 On failure of the above petition, the Chief of Police will have all sworn members notified they will be relieved from, and report to, their districts of assignment.

7.4.11.1.3 Those officers going off shift will be notified by police radio to report to a location within their assigned district to be relieved.

- 7.4.11.1.4 Those officers coming on shift will call their duty station for the day's assignment and location at which they are to relieve the officer going off shift.
- 7.4.11.2 Investigations Bureau Operations
  - 7.4.11.2.1 Basic investigative functions will be prioritized according to the seriousness of the incident.
  - 7.4.11.2.2 Investigations and charging of prisoners will be carried out by investigative administrative personnel.
  - 7.4.11.2.3 Those investigative personnel reporting in by phone will be directed to Patrol Operations for field service.
- 7.4.11.3 All other police operations will be carried out on a priority basis by available supervisory and command personnel.
- 7.4.12 Contingency plan for continued police operations in the event SPOG members and all other union employees refuse to cross picket lines.
  - 7.4.12.1 The supervisory and command personnel will coordinate the SPD mission with outside agencies so basic police service can be maintained...see 7.4.8.4-5
  - 7.4.12.2 Manpower availability from outside agencies... see Appendix 8.0.

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- 8.1 Chief's Press Release on Strike
- 8.2 Picket Information Sheet
- 8.3 Field Officer Information
  - 8.3.1 Summary of Field Officer Information Material
  - 8.3.2 Field Officer Information Packet

APPENDIX 8.0

MANPOWER AVAILABILITY FROM OUTSIDE AGENCIES

APPENDIX 8.0

MANPOWER AVAILABILITY FROM OUTSIDE AGENCIES

Washington State Patrol

99 Patrol Units (mostly two-man), divided into three shifts

King County Police Department

43 Men:           8 two-man cars  
                    2 supervisors  
                    20 in Tactical Squad  
                    5 in SWAT Team

These personnel can be utilized as "street officers"

Bellevue Police Department

20 Men in four cars for daytime duty only

NOTE: This manpower projection is not broken down into shift assignments.

The Patrol Commander will request personnel as required from the above agencies (see Manual Section 4.03.100).

In the event that assistance from the National Guard is necessary, the Chief of Police will notify the Mayor who will in turn notify the Washington State Patrol of the request for assistance. The Washington State Patrol will forward this request to the Governor (see Manual Section 4.03.103 Washington National Guard).

Radio Communication with Outside Agencies

The SPD Communications bus is equipped to handle radio communications with the above outside agencies. The bus can be operated for an extended period of time. The Communications bus has radio communications with most law enforcement agencies west of the Cascades, north to Bellingham, and south to Olympia.

APPENDIX 8.1

CHIEF'S PRESS RELEASE ON STRIKE

FOR RELEASE TO THE PRESS BY THE CHIEF OF POLICE

The policy of the Seattle Police Department regarding any strike situation, including a strike by any city employee group, is to maintain strict impartiality between Labor and Management. The responsibility of the Police Department is to ensure that all parties to the dispute will have equal protection under the law.

All police officers shall maintain an attitude of strict neutrality and impartiality at all times in regards to enforcement of the law. The only purpose of enforcement officers at a strike scene is to protect life and property and keep the peace, which is the basic responsibility of all officers in their everyday duties. This is the mark of first-line professional law enforcement.

In policing a strike situation, officers shall be guided in their actions by the same statutes and ordinances used in normal operations requiring their attention. Wherever picket lines are established, it is hoped that strike or union leaders will work with officers there to curb illegal activities and avoid unnecessary incidents.

Strikers have the right to picket buildings in legal manner; however, the rights of all parties must be protected. Strikers also have the right to explain their grievances to anyone entering or leaving a particular strike area, providing individual persons are willing to listen. Restraint of vehicular or personnel movement is a violation of purpose of a picket line, as all persons and vehicles have the right to enter and leave at will. Therefore, it is the duty of officers to ensure that all citizens do have the right to enter and leave public buildings-- whether for work, or conducting private business, or whatever other purpose-- and to keep the peace when this is done.

It is hoped that strike leaders will cooperate with police at picket scenes to avoid unnecessary incidents. Police personnel will be strictly neutral in regards to issues of the strike; their only concern is to ensure that the peace is maintained according to law.

APPENDIX 8.2

PICKET INFORMATION SHEET

PICKET INFORMATION

When a union calls a strike, it is the normal procedure to establish pickets or a picket line outside of the business or industry. The real purpose of the picket line is to notify members of other unions and the general public that a segment of this particular business or industry is on strike.

There are many misunderstandings among the parties involved as to the true purpose of a picket line. This, in many cases, is due to ignorance or misinformation. Persons on picket duty often believe, or have been told, that they are there for the purpose of preventing movement into and out of an industrial plant or business. This is misinformation.

To clarify: Ordinance 16046-31, of the City of Seattle states: Loitering in Doorways, "It shall be unlawful for any person to stand or loiter in or about the doorway of any building in such a manner as to obstruct ingress or egress to or from such building."

Further, and with respect to driveways, City Ordinance 91910: Standing or Parking Prohibited in Specified Places, "No person shall stop, stand, park or angle park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a peace officer, in front of a public or private driveway or driveway return."

Under the present labor laws, it is legal to picket a business on strike. It is also the duty of law enforcement to protect the rights of pickets, on established picket lines. In addition, police have the sworn responsibility to enforce all laws protecting the rights of others. It is to be hoped that cooperative efforts can avoid the necessity for police action where the rights of one group may conflict with the rights of another, as defined in law.

APPENDIX 8.3

FIELD OFFICER INFORMATION

Summary of Field Officer Information Material

Field Officer Information Packet

SUMMARY

LABOR - MANAGEMENT DISPUTE INFORMATION

PHILOSOPHY:

To protect the rights of both the pickets and the public as peacefully as possible.

POLICY:

While monitoring the picket lines, avoid arrests wherever possible; and work towards obtaining voluntary compliance.

NOTE: Be certain that Industrial Relations has been notified. It maintains liaison with labor representatives and can help resolve many adjacent problems evolving from the strike which necessitate the involvement of law enforcement.

DUTIES OF OFFICER:

Protect life and property and keep the peace;

Maintain a fair and impartial attitude to both labor and management;

Keep in contact with the picket captain and work in conjunction with him regarding any problems;

Keep supervision informed of picketing conditions;

Enforce, where necessary, rights of ingress, egress, and free movement.

PICKETS' RESPONSIBILITIES:

Pickets are there for information purposes only -- to advise the public of their contractual requests.

CROSSING PICKET LINES:

Who is allowed to? -- Anyone is allowed to cross the picket line.

In the case of trucks, the driver makes his own decision. Do not advise.

Pickets may present their case to the driver and should be allowed a reasonable time to do this without inhibiting the right of the driver to pass. Union rules allow supervisory personnel to cross picket lines.

INJUNCTIONS:

See Training Bulletin 71-7, page ten. These are civil in nature and thus not enforceable through police powers.

ORDINANCES MOST LIKELY TO BE USED IN A STRIKE SITUATION:

12.11.310 Loitering in doorways. blocking ingress or egress.

12.11.020 Disturbing the public peace.

12.11.370 Injury or destruction of structures.

12.11.380 Injury or destruction of personal property.

21.32.290 Driveway. public or private.

In addition, ordinances relating to assaults, fighting, etc.

## PURPOSE AND PROCEDURE AT STRIKE SCENE SITUATIONS

It is desired that all police personnel become familiar with the problem and procedures involved in labor-management disputes. Any officer, without benefit of previous experience on strike lines, could be faced with a situation in which a decision must be made. All personnel should therefore be informed of likely problems and the manner of handling them. A well informed officer can often prevent minor issues from becoming major confrontations. The maxims of harmonious relations with labor and management are impartiality, fairness, and the performance of duty in a manner which reflects first-line professional law enforcement.

Most law enforcement agencies in the nation have realized the tremendous benefits to be gained by maintaining a policy of strict impartiality. This is the policy of the Seattle Police Department.

In the past, law enforcement officers viewed a strike or labor dispute as a nebulous situation, and one wherein they felt compelled to tread lightly to avoid the ever-impending violence that could follow in the wake of misjudgment.

However, an officer, armed with the knowledge of the policies of the Seattle Police Department and the applicable laws, can insure all parties to a dispute that they will have equal protection under the law.

### I. ATTITUDES AND OBJECTIVES OF INVOLVED PARTIES

A. In Labor-Management disputes, we find three parties who are concerned; Labor, Management and Law Enforcement. Each party has a different attitude toward a strike situation, and each has different objectives they wish to carry out.

1. Each officer must realize the position that he represents in any strike situation; that he is under constant observation by both Labor and Management. Therefore, it is necessary to maintain an attitude of strict neutrality and impartiality at all times.
2. It should be pointed out that of the parties concerned, law enforcement has the greatest problems placed upon them. Both Labor and Management may endeavor to use the police for their best interests in carrying out their objectives.

B. In many instances, when a strike occurs, management will not attempt to operate. The only employee crossing the picket line will be supervisory, clerical, and plant protection personnel. However, when management elects to continue operations during a strike, the following attitude and objectives will be in evidence:

1. Labor
  - a. A slow-down operation of industry
  - b. Prevent movement of materials into, or out of the plant
  - c. Force management, through economic pressure, to make a contract settlement.
2. Management
  - a. Maintain production at the highest possible level
  - b. Encourage personnel to return to work
  - c. Hire new employees to replace personnel on strike
  - d. Maintain movement of raw materials into, and the finished product out of the plant
  - e. Take legal steps to curtail Union activities and limit lines (injunctions)
3. Law Enforcement
  - a. Must be instilled with attitude of neutrality and responsibilities
  - b. All actions must be firm, yet fair, and without any trace of prejudice or influence through personal feelings or publicity.

## II. LAW ENFORCEMENT AT STRIKE SITUATIONS

### A. PURPOSE AND RESPONSIBILITIES

1. When uniformed officers are assigned to a Labor-Management dispute, a supervisor will be assigned, and will be referred hereafter as the Strike Commander.
2. The only purpose of enforcement officers being detailed to a strike scene is to protect life and property and keep the peace which is the basic responsibility of all officers.
3. The causative issues of a strike are of no concern to an officer, except for planning. Discussions regarding the issues involved must be avoided, regardless of whether this subject is introduced by labor, management, or the citizen who appears to be an uninterested, innocent bystander.
4. It must be remembered that strict adherence to a policy of neutrality must be maintained.
5. In policing a strike situation, Peace Officers shall be guided in their actions by the same statutes and ordinances used in normal operations.

6. Bookings on statutes having to do with crowd control, such as Refusal to Disperse, Riot, Unlawful Assembly, etc., should be made only with the authorization of the strike commander.

#### B. DUTIES OF OFFICERS

1. At a strike location, the duties of officers are the same as in any other situation, requiring police attention. At all times, the officer must maintain a fair and impartial attitude to both labor and management.
2. Officers will be detailed to police personnel and vehicular gates, where there is movement of pedestrians and vehicles into and out of the plant. It is their duty to see that persons enter and leave at will, if they so desire, and not restrained in any manner from so doing.
3. Strikers have the right to picket the plant in a legal manner. As has been pointed out previously, the issues of the strike are of no concern to the officers detailed to location, and they should refrain from adopting a sympathetic attitude toward any of the parties concerned. The right of ALL parties must be protected.
4. Officers assigned to a strike situation must keep their supervisors and the command post informed of all incidents or changes in the local situation.
5. Every incident that occurs must be reported to the command post.
6. The same reporting procedure for normal operation is in effect. Minor disturbances and incidents reported can be cleared by the usual log entry such as; "kept the peace," "separated involved parties," etc. The more serious crimes that occur require a report. If it is necessary to make an arrest, the usual report will be submitted.
7. The strike commander will require a periodic check of the number of pickets at each gate, so that this information can be entered on the strike log. This indicates trends in union strategy and assists in planning for future utilization of strike personnel. The time for picket counts will be designated by the strike commander, and the count at each gate will be relayed to the command post for entry on the log.
8. Information concerning observations, relative to unusual activity or a concentration of pickets, employees, or spectators should immediately be forwarded to the command post for evaluation.

#### C. PERSONAL RELATIONS

1. When a strike develops, and a picket line is established, picket captains are selected by the union to supervise the activities of pickets. Normally, a picket captain will be in charge of a group picketing a given gate or location. Picket captains are usually responsible persons, selected for leadership and their ability to supervise people. In most cases, they are willing to work with law enforcement officers at the location of a strike.
2. Each officer assigned should attempt to establish good relations with the picket captain, or other union representatives and yet AVOID fraternization.
3. If an incident arises, or it is apparent that a dangerous situation may arise, the matter should be discussed with the union representative, and he should be encouraged to handle the problem if at all possible. In many cases, this will eliminate the need for the intervention of law enforcement in order to handle the situation.
4. One of the pitfalls that officers assigned to a strike location must avoid is fraternization with the parties who are associated with the strike, representing either labor or management.
5. Avoid unnecessary conversation with known acquaintances who may be in the picket line, or people associated with labor or management.
6. Officers should not enter company property, except for enforcement, and should not, under any circumstances, park departmental automotive equipment on company grounds. They should not use company phones or fraternize with company guards.
7. At a strike location, both labor and management will have food available for their personnel -- and often invite officers to partake of it; this must be avoided.

#### D. PEDESTRIAN AND VEHICLE CROSSING PICKET LINES

1. Pedestrian and personnel movement
  - a. Restraint of vehicular or personnel movement is a violation of purpose of a picket line, as all persons and vehicles have the right to enter and leave at will. Therefore, it is the duty of officers to see that persons do have the right to enter and leave the plant, and to keep the peace when this is done.

- b. In some cases, the picket line will be tightly closed in order to prevent entrance. In this event, the picket captain should be requested to open the picket line to those persons wishing to enter and leave. If the picket captain fails to comply with the request, or the pickets do not respond to his orders, the officers should open the line without hesitation to facilitate the movement of persons or vehicles.
- c. When picket lines are opened by officers, the officers should face the pickets rather than the persons or vehicles entering the gate. This action affords the officers the opportunity to observe the actions of the pickets and prevents the possibility of assaults being committed, or damage being done to vehicles entering the plant.

## 2. Trucks

- a. Trucks can present a serious problem, inasmuch as they are either delivering material to the plant, or removing finished products from the location.
- b. Officers must exercise care in their relations with the truck drivers. The driver must make his own decision whether or not to enter the plant.
- c. If advice is requested from the officer at the location, he must be careful to notify the driver that he may stay out, or enter the plant as he elects. Preferably, this should be done in the presence of the picket captain, under no circumstances advise the truck driver to enter the plant.
- d. Pickets should have the right to present their case to the truck driver, and should be allowed a reasonable time for this purpose.

## E. INJUNCTIONS

### 1. Injunctions

- a. An injunction is a writ or order of the Court, restraining a person or group of persons from doing a particular act.
- b. An injunction is a CIVIL PROCESS involving labor and management.
- c. Injunctions may restrict

- (1) The number of persons in a picket line
- (2) The distance to be maintained between pickets
- (3) Set forth the distance from entrances which must be maintained by striking employees who are not on picket duty.

- d. It is not the duty of the police to enforce the injunction, therefore, officers should not become involved in regards to injunctions.
- e. Violations of an injunction are treated as Contempts of Court, and if management desires legal action regarding same, such action must be filed in the Court of Issuance by Management's legal counsel.
- f. The only exception would be if the injunction or a supplemental Court Order is directed to the police ordering them to enforce the Writ or Order.
- g. Representatives of management may call to the attention of officers violations of the Injunction and insist that the injunction be enforced. These persons should be referred to the strike commander immediately, in order that he may advise them what legal action may be taken.

## F. ARREST PROCEDURES

- 1. Arrests as a result of incidents on the picket line should be kept to an absolute minimum and should be made only as a last resort. In the event of disturbances between persons at a strike location, an attempt should be made, if possible, to separate these parties and order them from the area. However, if a more serious crime has been committed, such as an assault or an injury has resulted from an assault, an arrest at the scene would be justified and should be made.
- 2. It comes to the attention of an officer that an arrest should be made in a situation, he should call for assistance before making the arrest, in order to protect himself. This cannot always be done, because many incidents occur spontaneously, and it is necessary for the officer to make an immediate arrest. However, when possible, the call for assistance should be made prior to the officer's attempt to take the offending person into custody.

3. Once an arrest is accomplished, it is important that the person or persons arrested be removed from the area immediately. For this reason, it is good to have requested assistance prior to making the arrest. Any delay after an arrest is made, may lead to an attempt rescue of the prisoner.
4. It must be emphasized that arrests should be kept to a minimum, because in all cases involving labor-management disputes, a Court action will develop as a result of arrests made.
5. It is important that when an arrest is made, the officer should be certain of the identity of the person arrested. This is true, especially in mass arrests.

#### G. SPECIAL POLICE PROBLEMS

##### 1. Consumption of Alcoholic Beverages

- a. Drinking of alcoholic beverages on the picket line or by strikers loitering in the general area can and has led to serious problems.
- b. Officers must be alert to observe those persons who are drinking or are intoxicated, and take immediate steps for their removal.
- c. The responsible union representative should be requested to cooperate and remove these persons from the area. If this cooperation is not received, an arrest should be made and the persons arrested removed from the scene immediately.

##### 2. Mass Picketing

- a. In some cases the union might encourage mass picketing in front of personnel gates in order to keep these gates closed to those persons desiring to use them. The officers detailed must keep the gates from becoming jammed, and must keep an open passageway for those persons desiring to move in or out of the plant.
- b. Personnel assigned to this duty must be particularly alert as to any increase in picket strength. The strike commander should immediately be notified of this situation. Officers must also observe, closely, the strategy in the picket line.
- c. Ordinance Code #12-11-310, Obstructing Ingress or Regress to or from such buildings.

##### 3. Children on Picket Lines

- a. The union representative or picket captain should be required to cooperate by removing the children from the line:
  - (1) Point out the danger to children, and the civil and/or criminal liability that may attach if the children are injured.
- b. If cooperation is not received, and the situation is aggravated by incidents, then arrest may be made under RCW 13.04.010 (CDOM). Every step should be taken to prevent such extreme action, but if necessary, the arrest should be made in the interest and welfare of the juvenile(s) involved.

#### H. PICKETING ON QUASI PUBLIC PROPERTY (SHOPPING CENTERS, PARKING LOTS, ETC.)

##### 1. Constitutional Rights

- a. The Courts have decreed that picketing is legal under the first amendment of the Constitution, Freedom of Speech, on certain property which is open to the public, although privately owned, but used as if it were in fact public property (shopping centers).

##### 2. State Trespass Laws

- a. In most instances, the State Trespass Law does not apply to peaceful picketing on quasi-public property. The main prerequisite is that the property is open to the public.

##### 3. Breach of the Peace

- a. If a breach of the peace is being committed, officers will take whatever action is needed. If the incident is minor, the Industrial Relations Section should be notified, and they will attempt to reconcile the matter. If an arrest is necessary, a Patrol Supervisor and, if possible, the Industrial Relations Section should be called to the scene.

##### 4. Citizen Arrest

- a. Citizen arrests cannot be made for trespass, as normally trespass does not involve a breach of the peace, which is a prerequisite for citizen arrest.

- b. Citizens should never be encouraged by an officer to make an arrest, not only in picketing situations, but at any time. If a citizen attempts to force an arrest situation, a major report should be taken and forwarded to the Court Unit. The Court Unit will determine if all the elements for a legal citizen arrest transpired. They will then seek a warrant for the suspect.

A Patrol Division Supervisor should be called to any scene of a citizen arrest and he will make the determination of actions taken by officers. The only exception to this ruling would be in shoplifting situations.

### III. APPLICABLE LAWS

12.11.020 Disturbing the public peace. It is unlawful for any person to be guilty of fighting, drunkenness or of riotous or disorderly conduct, or of any conduct tending to disturb the public peace, or to use any profane or abusive language, or to engage in any act or practice whereby the peace or quiet of the city may be disturbed or to use any obscene language or be guilty of any indecent or immoral act, practice or conduct tending to debauch the public morals.

9.27.040 Riot defined. Whenever three or more persons, having assembled for any purpose, shall disturb the public peace by using force or violence to any other person, or to property, or shall threaten or attempt to commit such disturbance, or to do any unlawful act by the use of force or violence, accompanied with the power or immediate execution of such threat or attempt, they shall be guilty of a riot.

9.27.050 Riot -- Penalty. Every person who shall be guilty of riot or of participating therein, by being present at, or by instigation, permitting or aiding the same, shall be punished as follows:

(1) If the purpose of the assembly or the acts done therein, or intended by the persons engaged, shall be to resist the enforcement of a statute of this state or of the United States, or to obstruct any public officer of this state or of the United States in serving or executing any process or other mandate of a court, or in the performance of any other duty, or if at the time of the riot the offender shall carry a firearm or any other dangerous weapon, or shall be disguised, by imprisonment in the State Penitentiary for not more than five years, or by a fine of not more than one thousand dollars.

(2) If the offender shall direct, advise, encourage or solicit other persons present or participating in a riot or assembly to acts of force or violence, by imprisonment in the State Penitentiary for not more than two years, or by a fine of not more than one thousand dollars.

(3) In every other case, by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars.

9.27.060 Unlawful assembly. Whenever three or more persons shall assemble with intent --

- (1) To commit any unlawful act by force; or,
- (2) To carry out any purpose in such manner as to disturb the public peace; or, of the peace, or an injury to persons or property, or any unlawful act -- such an assembly is unlawful, and every person participating therein by his presence, aid or instigation, shall be guilty of a gross misdemeanor.

9.27.070 Remaining after warning. Every person who shall remain present at the place of an unlawful meeting after having been warned to disperse by a magistrate or public officer or at the request of such officer he is assisting in dispersing the same, or in protecting persons or property or in arresting offenders, shall be guilty of a misdemeanor.

12.11.310 (16046-31) Loitering in doorways, obstructing ingress or egress, etc.

21.32.290 (Traffic Code) No person shall stop - stand or angle park a vehicle in front of a public or private driveway, etc.

### IV. PICKETING BY SPECIAL INTEREST GROUPS

A. Picketing of private or public property, by groups who purport to be labor organizations, without being recognized as such, or chartered, will probably be handled by the Patrol Division, as a U.O. incident.

**END**