

DEKALB POLICE DEPARTMENT

Subject: **Strikes & Labor Disputes**

Policy #: **407.4**

Effective Since: 8-21-03

Revision Effective: 1-1-19

FTO Training Task: # 14

Reference Material: IACP "Strikes & Labor Disputes" Research Paper

ILEAP Standards Covered: NA

**Page 1 of 4**

**PURPOSE:** The purpose of this policy is to define the role of the department in dealing with labor disputes; to provide guidance to protect the rights of both labor and management; and to safeguard life and property.

**POLICY:** The parties involved 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 the policy of the department 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 protect the rights of all parties involved.

**DEFINITIONS:**

720 ILCS 5/25-1, Mob Action: Mob action consists of any of the following:

- (1) The use of force or violence disturbing the public peace by 2 or more persons acting together and without authority of law. (Class 4 felony)
- (2) The assembly of 2 or more persons to do an unlawful act. (Class C misdemeanor)
- (3) The assembly of 2 or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. (Class C misdemeanor)

Any participant in a mob action which shall by violence inflict injury to the person or property of another commits a Class 4 felony. Any participant in a mob action who does not withdraw on being commanded to do so by any peace officer commits a Class A misdemeanor.

**PROCEDURES:**

**A. Command Authority:**

1. Operational control of officers assigned to a labor strike is the responsibility of the Chief or a designated commander.
2. The Officer-In-Charge (OIC) at the strike should contact the company and labor unions involved in order to:
  - a. Inform them that the police agency is aware of the strike (or impending strike) and advise them of agency policy relating to the enforcement of law and protection of personal and corporate rights;
  - b. Emphasize to the union or labor group the importance of a peaceful demonstration, that their rights to legally assemble and protest will not be interfered with so long as it does not interfere with the legal rights of the company to transact business, and
  - c. State the department's position on warning and arresting demonstrators and the need to maintain communication at all times between police personnel and strike leaders.
3. If an insufficient number of officers are available to man the strike detail, permission may be sought from the Division Commander and/or Chief to request additional manpower on an overtime basis, and/or request the assistance of other agencies. In no case shall non-sworn personnel, volunteers, or auxiliary officers be utilized in strike details.
4. In determining manpower and equipment needs, the OIC should consider:
  - a. The number of demonstrators, their attitude and organization;
  - b. The number of non-strikers, anti-strikers and bystanders;

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**Page 2 of 4**

- c. Whether the striking company 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. Duties and Responsibilities of Assigned Personnel:**

1. General duties and responsibilities of officers assigned to labor strikes are
  - a. Protection of life and prevention of personal injury;
  - b. Protection of statutory and constitutional rights of all parties involved;
  - c. Protection of personal and public property; and
  - d. Maintenance of public peace.
2. Officers should refrain from fraternizing or engaging in any unnecessary conversation with picketers, management personnel, or bystanders.
3. Officers should not enter company property except to conduct necessary police business, nor should they park vehicles or use the facilities or services of labor or management unless permission has been granted and/or absolutely necessary.
4. Efforts should be made to control conduct through conversation with picket captains, union representatives, or management personnel.
5. Verbal abuse against officers, unaccompanied by threats, should not be the sole reason for removal or arrest. Language that incites violence or other unlawful acts can form the basis for physical removal and/or arrest of those responsible.
6. Consumption of alcohol by picketers or others shall be discouraged, and persons who fail to abide with open container or related laws will be subject to arrest with supervisory approval.
7. Officers may make arrests for illegal conduct as necessary. Officers should attempt to verify unlawful acts not committed in their presence. If an arrest is not made, picket captains or management representatives shall be warned that recurrence of any illegal acts may result in arrest. Arrests will be made where probable cause exists.
8. 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:
  - a. The availability of adequate numbers of suitably equipped officers to provide backup; and
  - b. The seriousness of the offense relative to the potential negative effects it may have as an incitement to violence or other unlawful behavior.
9. Procedures for mass arrest are outlined in Policy 407.3.

**C. Operation of Picket Lines:**

1. Strikers have the right to peacefully picket and to persuade others to honor their picket line as long as their activities do not violate statutes such as trespass or disorderly conduct, among others. As such, officers have the obligation to protect those persons engaged in such activity.
2. Non-striking employees, customers, and members of the public have the right to enter or leave the site of the strike, so long as they are not trespassing on private property or violating any state or city pedestrian or traffic regulations.
3. Officers shall take all reasonable measures to protect the rights of both parties. Attempts by either labor or management personnel to prevent the free exercise of these rights will first be brought to the attention of the appropriate strike captain or management supervisor. Failure of these individuals to assist in taking corrective action will warrant police intervention when applicable.
4. Officers shall 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.

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**Page 4 of 4**

5. When necessary, officers shall provide necessary breaches in picket lines to allow authorized parties to cross and should personally escort pedestrian traffic across or around the line to a safe distance away.
6. Vehicular traffic, when authorized, shall be provided with access through picket lines after having been given appropriate warnings as stated in item 4 of this section. The volume, rate, and speed of vehicles crossing picket lines shall be determined by the supervising officer.

**Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police.**

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall 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 an internal departmental complaint and then only in a non-judicial administrative setting.