

SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 41.4

LABOR DISPUTES

ISSUED APRIL 2006

41.4.1 Function

The function of the Santa Clara Police Department during any labor dispute will be primarily the following:

- Preservation of law and order
- Protection of life and property
- Protection of civil rights of all citizens

41.4.2 General

Labor disputes and strikes will require more diplomacy on the part of police than many other police matters. The right to earn a living and the freedom of speech are involved, and at times tempers may be flaring on both sides. Police may show no partiality in a situation so delicately balanced. Certain legal rights are offered each side and the law enforcement officer must see that these rights are protected by enforcement when necessary.

The police never oppose a strike. The officer is there to protect all parties from personal injuries, property damage, or the disturbance of public peace, and insure free passage of all citizens on the sidewalks and streets. Pickets enjoy the right of free speech and expression. They may carry banners and voice whatever they wish so long as they do not violate the rights of others. On the other hand, management has an obligation not to incite riots by outward provocations of the striking crowd. The police officer will enforce the laws impartially and be ever conscious of his/her own personal conduct, courtesy, and bearing.

41.4.3 Arrests

The purpose of keeping a strike peaceful is seldom accomplished by making wholesale arrests for very minor violations. Complaints and charges may be frequently made to officers at strike details. If unwitnessed complaints are of such a nature as to demand an arrest, the complaint may be investigated and appropriate action taken. When a person insists upon an immediate misdemeanor arrest that the officer has not witnessed, both parties should be interviewed and a citizen's arrest considered.

41.1.4 Strike Duty

If an officer finds picketing in progress in his/her area, about which he/she was not informed at briefing, he/she should contact the Watch Commander on the matter. If an officer hears of a strike pending it should be checked with the Watch Commander. As long as picketing is orderly,

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the inspection of the strike area will be made from across the street, or a short distance down the block.

While it is acceptable to become acquainted with the individuals in the strike situation, it is not advisable to become friendly or familiar with them. Do not joke with them; kidding or bantering does not elevate the police in the eyes of either the strikers, management, or the passing public.

If the detailed officer wishes to make contact with the picket group, he/she should ask for the picket captain and carry on all of his/her business with him/her. If the officer has orders to convey to the pickets, they should be given to the picket captain.

At the same time, inquire of management who their contact person may be.

The appearance of disciplined police officers indicates to loosely organized persons that law and order will be preserved.

When it is determined that the situation may get out of control, police will be detailed to the picket line. Not only should the officer be observant of the picket's activities, but also he/she should listen for names of pickets and associate them with their cars if they are parked nearby. Notation should be made of the license numbers, make and model of car, also description of any gang of roving pickets or strike sympathizers.

When a strike is out of control, methods more applicable to riot and mob control may be used. Police must attempt to prevent a strike situation from getting completely out of hand by seeing that applicable laws pertaining to strikes are enforced at the beginning of the strike. This type of police action serves to impress the crowd with the fact that violence and breach of the peace or other violations of the law will not be tolerated.