

## Medina Police Department

Subject: <b>First Amendment Assemblies</b>	Policy Number: <b>2410</b>	<b>First Amendment Assemblies 2410</b>
Reference: <b>Policy #2420</b>	Pages: <b>7</b>	
Personnel: <b>Sworn and Non-Sworn Personnel</b>		
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### **2410.1 – PURPOSE**

This procedure provides guidance for responding to public assemblies or demonstrations.

### **2410.2 – POLICY**

The Medina Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate, or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life, and preventing the destruction of property

### **2410.3 – SCOPE**

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills, leafleting and loitering. However, officers shall not take action, or fail to take action, based on the opinions being expressed. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property. Officers should not:

- 1) Harass, confront, or intimidate participants.
- 2) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest or any of the aforementioned items contains evidence of a crime.

### **2410.4 – RESPONSE TO UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should assess conditions, including the following:

- 1) Location of incident.
- 2) Number of participants.
- 3) Apparent purpose of the event.
- 4) Leadership (whether it is apparent and/or whether it is effective).

- 5) Any initial indicators of unlawful or disruptive activity.
- 6) Indicators that lawful use of public facilities, streets or walkways will be impacted.
- 7) Ability and/or need to continue monitoring the incident.
- 8) Initial assessment information should be promptly communicated to the Senior Officer on Duty, Sergeant or Chief of Police. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another.

#### **2410.5 – RESPONSE TO PLANNED EVENTS**

For planned events, comprehensive, incident-specific operational plans should be developed. In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- 1) Information obtained from outreach to group organizers or leaders.
- 2) Information about past and potential unlawful conduct associated with the event or similar events.
- 3) The potential time, duration, scope, and type of planned activities.
- 4) Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

#### **2410.6 – OPERATIONAL PLANNING**

The Chief of Police or designee will be responsible for developing an operational plan for the event. The operational plan will minimally provide for the following:

- 1) Command assignments, chain of command structure, roles, and responsibilities.
- 2) Staffing and resource allocation.
- 3) Management of criminal investigations.
- 4) Designation of uniform of the day and related safety equipment.
- 5) Deployment of specialized resources.
- 6) Liaison with demonstration leaders and external agencies.
- 7) Media relations.
- 8) Logistics, including food, fuel, replacement equipment, duty hours, relief, and transportation.
- 9) Traffic management plans.
- 10) First aid and emergency medical service provider availability.
- 11) Prisoner transport and detention.
- 12) Review of policies regarding public assemblies and use of force in crowd control.
- 13) Arrest protocol, including management of mass arrests.
- 14) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

## **2410.7 – UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

- 1) If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.
- 2) Should the Incident Commander decide that public safety is presently or is about to be jeopardized, they should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.
- 3) When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

## **2410.8 – REFUSAL TO COMPLY**

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander should, if reasonably able to do so, evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law).

## **2410.9 – FORCE**

Force or control devices, including chemical restraint, should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd. Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

### **2410.10 – ARRESTS**

The Medina Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest. Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

### **2410.11 – TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management.



## MEDINA POLICE DEPARTMENT PICKET LINE GUIDELINES

The Medina Police Department will respond to complaints of illegal strike activity by either side. The Department will not choose sides and will enforce the law fairly. The Medina Police Department does not wish to become involved in your labor dispute. The presence of the police may create bad publicity for both sides and increase tensions. Please be assured however, that the Department will do its job in maintaining order in the community.

The following information is provided to reduce the likelihood of police involvement:

1. Assaultive behavior either by strikers or the employer **is prohibited**.
2. Damage to real estate or personal property either by strikers or the employer **is prohibited**.
3. Disorderly conduct (obscene, abusive, or boisterous language or conduct likely to result in assaultive conduct) either by strikers or the employer **is prohibited**.
4. Strikers have the right to be present on public property (roadways or parkway) as long as they are not blocking traffic or violating any other traffic code provision.
5. Strikers have the right to gather on the property of the employer or the property of a 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, the employer is encouraged to provide a place for picketers to avoid forcing strikers to violate the traffic laws.
6. The Police Department does not have authority to make arrests for mass picketing in the absence of a court order requiring such arrests. The property owner or the employer can request in federal or state district court an injunction against mass picketing. Mass picketing has been prohibited by the Minnesota Supreme Court under certain circumstances. There is no set number of pickets which constitute mass picketing and it will vary from case to case.
7. Relevant State Statutes:
  - 179.13 Subdivision 1.* It shall be unlawful for any person at any time to interfere with the free and uninterrupted use of public roads, streets, highways or methods of transportation or conveyance or to wrongfully obstruct ingress to and egress from any place of business or employment.
  - 179.13 Subdivision 2.* It is an unfair labor practice for any employee or labor organization to commit an unlawful act as defined in subdivision 1.

*179.121.* Any person who operates a motor vehicle which is entering or leaving a place of business or employment where there is a clear notice that a labor dispute is in progress, and who fails to bring the vehicle to a full stop at the entrance to or exit from that place, or who fails to exercise caution in entering or leaving that place, is guilty of a misdemeanor.

## Minnesota State Statutes

*609.72 Subdivision 1.* Whoever does any of the following in a public or private place, including on a school bus, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct, which is a misdemeanor:

- (1) Engages in brawling or fighting; or
- (2) Disturbs an assembly or meeting, not unlawful in its character; or
- (3) Engages in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.

*609.705* When three or more persons assemble, each participant is guilty of unlawful assembly, which is a misdemeanor, if the assembly is:

- (1) With intent to commit any unlawful act by force; or
- (2) With intent to carry out any purpose in such manner as will disturb or threaten the public peace; or
- (3) Without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.

*609.715* Whoever without lawful purpose is present at the place of an unlawful assembly and refuses to leave when so directed by a law enforcement officer is guilty of a misdemeanor.

*609.605* (3) trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor;