

RESOLUTION OF THE CITY OF MINNEAPOLIS

By Gordon

Adopting Minneapolis Police Department policies for public assemblies during the Republican National Convention of 2008:

Whereas, the City Council and the Minneapolis Police Department wish to protect the rights of all people to the orderly freedom of expression, speech, and association guaranteed by the U.S. and Minnesota Constitutions; and

Whereas, the City Council and the Minneapolis Police Department also desire to protect the public safety and contribute to the City's preparedness to respond to emergencies; and

Whereas, it is the declared public policy of the City of Minneapolis that persons and groups have a right to organize and participate in peaceful public assemblies on the streets, sidewalks, and other public ways, and to engage in assembly near the object of their protest so they may be seen and heard, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in the assemblies to use the streets, sidewalks, and other public ways to travel to their intended destinations; and,

Whereas, enforcement actions taken against large crowds carry significant risks to persons and property; and,

Whereas, the City Council and the Minneapolis Police Department recognize that clearly communicating City policy regarding public rallies will help protect public safety during the Republican National Convention in August, 2008,

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That nothing in this resolution is intended to restrict the authority of the MPD to arrest persons who engage in unlawful disorderly conduct, or violence directed at persons or property.

That MPD officers taking enforcement actions against participants in a public assembly will use the minimum level of force required to effect such enforcement actions.

That where participants in a public assembly, or other persons at the location of the assembly, engage in unlawful disorderly conduct, violence toward persons or property, or unlawfully threaten violence, the MPD shall, to the extent reasonably possible, respond by dispersing, controlling, or arresting the persons engaging in

such conduct, and not by issuing a general order to disperse, thus allowing the public assembly to continue.

That the MPD shall not issue a general order to disperse to participants in a First Amendment assembly except where:

- (1) A significant number or percentage of the assembly participants are engaging in, or are about to engage in, unlawful disorderly conduct or violence towards persons or property, or
- (2) A public safety emergency has been declared that is not based solely on the fact that the public assembly is occurring, or the Chief of Police determines that the public safety concerns that prompted the declaration require that the public assembly be dispersed.

That the MPD shall not take enforcement actions against participants in a public assembly unless the MPD determines that the threat to public safety posed by not taking enforcement action are significantly greater than the risks associated with taking enforcement action. That before such action is taken an MPD incident commander shall be designated and the MPD incident commander will document the reasons for this determination.

That if and when the MPD determines that a public assembly, or part thereof, must be dispersed, the MPD shall issue at least two clearly audible and understandable orders to disperse using an amplification system or device, and shall provide the participants a reasonable and adequate time to disperse and a clear and safe route for dispersal.

That except where there is imminent danger of personal injury or significant damage to property, the MPD shall issue multiple dispersal orders and, if appropriate, shall issue the orders from multiple locations. The orders shall inform persons of the route or routes by which they may disperse and shall state that refusal to disperse will subject them to arrest.

That, whenever possible, MPD shall make an audio or video recording of orders to disperse.

That where a public assembly is held on a City street, sidewalk, or other public space for which notice was not given, the MPD shall, consistent with the interests of public safety, respond to and handle the assembly in substantially the same manner as it responds to and handles assemblies for which notice was given.

That an order to disperse or arrest assembly participants shall not be based solely on the fact that notice of the assembly has not been given.

Be It Further Resolved that no emergency area or zone will be established by using a police line to encircle, or substantially encircle, an assembly (or subpart thereof) conducted for the purpose of persons expressing their political, social, or

religious views; provided, that this section does not prohibit the use of a police line to encircle an assembly for the safety of the demonstrators.

Be It Further Resolved that the MPD shall implement a method for enhancing the visibility to the public of the name or badge number of officers policing a planned public assembly by modifying the manner in which those officers' names or badge numbers are affixed to the officers' uniforms or helmets. The MPD shall ensure that all uniformed officers assigned to public assemblies are equipped with the enhanced identification and may be identified even if wearing riot gear. This section shall not apply in the event that assistance beyond the detailed officers from MPD is required.

Be It Further Resolved that MPD officers' concealing, obscuring or tampering with badges or enhanced-visibility names and/or badge numbers shall be grounds for disciplinary action.

Be It Further Resolved that MPD officers shall not confiscate, destroy or tamper with cameras or other recording devices being used to document MPD enforcement actions, or target individuals using such recording devices for arrest or physical force, and that any such confiscation, destruction or tampering with recording devices shall be grounds for disciplinary action.

Be It Further Resolved that MPD shall cause every arrest in connection with a public assembly to be documented, in writing or electronically, by the officer at the scene who makes the arrest.

That the arrest documentation shall be completed at a time reasonably contemporaneous with the arrest, and shall include all elements required by Minnesota laws and Minneapolis ordinances.

That the Chief of Police may implement a procedure for documenting arrests in connection with a public assembly different from that set forth above when the Chief determines that an emergency exists with regard to a specific public assembly, and that implementation of the alternative procedure is necessary to assist police in protecting persons, property, or preventing unlawful conduct; provided, that any such procedure shall adequately document the basis that existed for each individual arrest. That determination shall be made in writing and shall include an explanation of the circumstances justifying the determination.

Be It Further Resolved that the MPD shall use handcuffs, plastic cuffs, or other physical restraints only to the extent reasonably necessary, and in a manner reasonably necessary, for the safety of officers and arrestees. Nothing in this resolution is intended to restrict the otherwise lawful authority of the MPD to use handcuffs, plastic cuffs, or other physical restraints on persons arrested in connection with a public assembly at the time of or immediately following arrest,

while arrestees are being transported to a processing center, or while arrestees are being transported to or from court.

That those individuals who are not placed under custodial arrest must be promptly processed.

That individuals who are placed under custodial arrest must be promptly taken to the Hennepin County for processing by Hennepin County.

That the MPD shall fully and accurately advise persons arrested in connection with a public assembly of all potential release options when processing them for release from custody or for presentation to court.

That the MPD shall provide a written notice identifying all release options to each person arrested in connection with a public assembly who is charged solely with one or more misdemeanor offenses. The notice shall also identify the misdemeanor charges lodged against the arrestee.

That the MPD shall provide written notice identifying information on the Civilian Police Review Authority and Internal Affairs Unit to each person arrested in connection with a public assembly who requests such information. The notice shall also identify all officers involved in effecting the arrest of the arrestee.

That the MPD shall not arrest individuals charged with ticketable offenses unless reasonably necessary, and shall document the reason(s) for arrest of individuals charged with ticketable offenses.

Be It Further Resolved that MPD officers shall not infiltrate public assemblies or gatherings held to plan such assemblies. Attendance of such assemblies or gatherings by MPD officers in uniform or otherwise clearly and visibly identified as police officers shall not constitute infiltration.