

**RESOLUTION
OF THE
CITY OF MINNEAPOLIS
By Ostrow**

**Adopting a voluntary registration plan 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 First Amendment assemblies on the streets, sidewalks, and other public ways, and to engage in First Amendment 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, the City Council wishes to encourage voluntary registration of public rallies so that the City can assist in protecting the rights of voluntary registrants and can be prepared to respond on the public's behalf to all emergencies

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

That a "public assembly" refers to any meeting, demonstration, or gathering of persons for a common purpose in or upon any street, sidewalk or other public grounds in a place open to the general public. "Public assembly" does not refer to parades or block parties, which are defined at M.C.O. 447.10 and M.C.O. 455.10, respectively.

That any person or group planning on holding any public assembly of any size is encouraged to register the assembly with City staff assigned to coordinate such rallies.

That any person or group planning on holding a public assembly of greater than 50 persons in a location that will prevent other pedestrians from using the sidewalks and crosswalks must provide notice of the assembly to City staff and obtain plan approval.

That no one shall be required to provide notice for an immediate and spontaneous assembly in response to a public event.

That failure to provide notice or obtain an approval plan shall not be an offense under the Minneapolis Code of Ordinances.

That this resolution is not applicable to privately-owned land, federally-held land, county-owned land, or parks within the City of Minneapolis.

That the purpose notice and plan approval process is to avoid situations where more than one group seeks to use the same space at the same time and to provide the Minneapolis Police Department (MPD) and other City departments the ability to provide appropriate police protection, traffic control, and other support for participants and other individuals.

That there shall be no cost to obtain a plan approval for a public assembly.

That the City shall not require, separate from or in addition to the requirements for giving notice of or applying for approval of an assembly plan for a First Amendment assembly, that persons give notice to, or obtain a permit or plan from, the Chief of Police, or other City officials or agencies, as a prerequisite for making or delivering an address, speech, or sermon regarding any political, social, or religious subject in any City street, sidewalk, or other public way.

That the City shall not require, separate from or in addition to the requirements for giving notice of or applying for approval of an assembly plan for a First Amendment assembly, that persons give notice to, or obtain a permit or plan from the Chief of Police, the Department of Public Works or any other City official or department as a prerequisite for using a stand or structure in connection with such an assembly; provided, that a First Amendment assembly plan may contain limits on the nature, size, or number of stands or structures to be used as required to maintain public safety. Individuals conducting a First Amendment assembly may use a stand or structure so long as it does not prevent others from using the sidewalk.

That the City shall not require, separate from or in addition to the requirements for giving notice of or applying for approval of an assembly plan for a First Amendment assembly, that persons give notice to, or obtain a permit or plan from, the Chief of Police, the Department of Public Works or any other City official or department as a prerequisite for selling demonstration-related merchandise within an area covered by an approved plan provided, that nothing in this subsection shall be construed to authorize any person to sell merchandise in a plan-approved area contrary to the wishes of the plan-holder.

Be It Further Resolved that the MPD shall recognize and implement the City policy on First Amendment assemblies when enforcing any restrictions on First Amendment assemblies held on City streets, sidewalks, or other public ways.

That the MPD may enforce reasonable time, place, and manner restrictions on First Amendment assemblies by:

(1) Establishing reasonable restrictions on a proposed assembly prior to its planned occurrence through the approval of a plan, where the organizers of the assembly give notice;

(2) Enforcing reasonable restrictions during the occurrence of an assembly for which a plan has been approved, which are in addition to the restrictions set forth in the approved plan, where the additional restrictions are ancillary to the restrictions set forth in the approved plan that are designed to implement the substance and intent in the approval of the plan

(3) Enforcing reasonable restrictions during the occurrence of an assembly for which a plan has been approved, which are in addition to the restrictions set forth in the approved plan, where the additional restrictions are enforced in response to the occurrence of actions or events unrelated to the assembly that were not anticipated at the time of the approval of the plan and that were not caused by the plan-holder, counter-demonstrators, or the police;

(4) Enforcing reasonable restrictions during the occurrence of an assembly for which a plan has been approved, which are in addition to the restrictions set forth in the approved plan, where the additional restrictions are enforced to address a determination by the MPD during the pendency of the assembly that there exists an imminent likelihood of violence endangering persons or threatening to cause significant property damage;

(5) Enforcing reasonable restrictions on a First Amendment assembly during its occurrence where a plan was not approved for the assembly.

That no time, place, or manner restriction regarding a First Amendment assembly shall be based on the content of the beliefs expressed or anticipated to be expressed during the assembly, or on factors such as the attire or appearance of persons participating or expected to participate in an assembly, nor may such restrictions favor non-First Amendment activities over First Amendment activities.

Be It Further Resolved that the authority to receive and review a notice of and an application for approval of a plan for a First Amendment assembly on City streets, sidewalks, and other public ways, and in City parks, and to grant, deny, or revoke an assembly plan, is vested exclusively with the Director of Regulatory Services or his or her designee.

That the Director of Regulatory Services shall take final action on a notice of and an application for approval of a plan for a First Amendment assembly within a reasonably prompt period of time following receipt of the completed application, considering such factors as the anticipated size of the assembly, the proposed date and location, and the number of days between the application date and the proposed assembly date.

That where a complete application for approval of a First Amendment assembly plan is filed 60 days or more prior to the proposed assembly date, the application shall receive final action no later than 30 days prior to the proposed assembly.

That applications for plan approval shall be filed not less than fifteen (15) days prior to the proposed date of the event. Applicants are encouraged to submit applications for approval of an assembly plan as far in advance as is practical. The purpose of the notice and plan approval process is to avoid situations where more than one group seeks to use the same space at the same time. Early submission gives the Director of Regulatory Services or his or her designee and the applicant the maximum time to resolve any issues that may arise, and minimizes the possibility that an approved plan will already have been issued to another group for the desired time and place. It also provides the MPD and other departments the ability to provide appropriate police protection, traffic control, and other support for participants and other individuals.

That where applications to approve a First Amendment assembly plan are not submitted in a timely manner, the Director of Regulatory Services or his or her designee may deny an application in the interest of public safety. Applications filed less than two (2) days prior to the proposed date of the event shall receive favorable action only if there is sufficient time to review the application and to coordinate with the event organizers to resolve questions or problems concerning the application.

That following the approval of an assembly plan in response to an application, the Director of Regulatory Services may, after consultations with the person or group giving notice of the assembly, amend the plan to make reasonable modifications to the assembly location or route up until 10 days prior to the assembly date based on considerations of public safety.

That an application for approval of an assembly plan shall consist only of the following:

- (1) The name, address, and telephone number of the sponsoring organization (if any) and its chief officer
- (2) The name, address, and telephone number of the applicant and the person or persons chiefly responsible for the conduct of the event, if other than the applicant
- (3) The date when the event is to be conducted
- (4) The approximate times when the event is to begin and the end.
- (5) The specific proposed route of the event if it is a march.
- (6) The locations of the assembly area, any related stands or other structures, and the disbanding area for the event.

(7) The approximate number of persons that will constitute the event.

(8) The number of persons who will be designated to monitor the event and the name of the person in charge.

That a proposed First Amendment assembly plan shall be approved if, after consideration of the application and other information that may otherwise be obtained, the Director of Regulator Services or his or her designee concludes that:

(1) The conduct of the event will not substantially interrupt the safe and orderly movement of other vehicular and pedestrian traffic contiguous to its route;

(2) The conduct of the event will not divert such numbers of police officers from their normal police duties that the City would be deprived of reasonable police protection;

(3) The concentration of persons, animals, and vehicles in the assembly and disbanding areas and along the event route will not substantially interfere with the movement of police, fire, ambulance, and other emergency vehicles;

(4) The event is scheduled to move from its assembly location to its disbanding location expeditiously and without unreasonable delays en route;

(5) The event will not substantially interfere with any other event for which an assembly plan has already been approved;

(6) The applicant has not materially misrepresented any facts or information set forth in the application for an assembly plan

That the Director of Regulatory Services shall inform the person or group giving notice of an assembly, in writing, of the reasons for any decision to:

(1) Deny an application for approval for a First Amendment assembly plan;

(2) Revoke an assembly plan prior to the date of the planned assembly;

(3) Approve an assembly plan subject to time, place, or manner restrictions that the applicant has advised the Chief of Police are objectionable to the applicant.

That the decision of the Director of Regulatory Services shall be final, and any applicant whose proposed assembly plan has been denied, revoked prior to the date of the planned assembly, or granted subject to time, place, or manner restrictions deemed objectionable by the applicant, may appeal such decision directly to the court.

Be It Further Resolved that where participants in a First Amendment assembly fail to comply with reasonable time, place, and manner restrictions, the MPD shall, to the extent reasonably possible, first seek to enforce the restrictions through voluntary compliance and then seek, as appropriate, to enforce existing laws. 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 where participants in a First Amendment 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 First Amendment 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 fail to adhere to the imposed time, place, and manner restrictions, and the voluntary compliance measures set forth earlier in this resolution have failed to result in substantial compliance or there is no reasonable likelihood that those measures will result in substantial compliance, or

(2) 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

(3) A public safety emergency has been declared that is not based solely on the fact that the First Amendment assembly is occurring, or the Chief of Police determines that the public safety concerns that prompted the declaration require that the First Amendment assembly be dispersed.

That if and when the MPD determines that a First Amendment assembly, or part thereof, should be dispersed, the MPD shall issue at least one clearly audible and understandable order 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 First Amendment assembly is held on a City street, sidewalk, or other public way and an assembly plan has not been approved, the MPD shall, consistent with the interests of public safety, seek to respond to and handle the assembly in substantially the same manner as it responds to and handles assemblies with approved plans.

That an order to disperse or arrest assembly participants shall not be based solely on the fact that a plan has not been approved for the assembly.

That when responding to and handling a First Amendment assembly for which a plan has not been approved, the MPD may take into account any actual diminution, caused by the lack of advance notice, in its ability, or the ability of other governmental agencies, appropriately to organize and allocate their personnel and resources so as to protect the rights of both persons exercising free speech and other persons wishing to use the streets, sidewalks, or other public ways.

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 except where there is probable cause to believe that a significant number or percentage of the persons located in the area or zone have committed unlawful acts (other than failure to have an approved assembly plan) and the police have the ability to identify those individuals and have decided to arrest them; 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 First Amendment 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 police planned First Amendment 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 shall cause every arrest in connection with a First Amendment 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 First Amendment assembly different from that set forth above when

the Chief determines that an emergency exists with regard to a specific First Amendment 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 First Amendment 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 First Amendment 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 First Amendment assembly who is charged solely with one or more misdemeanor offenses. The notice shall also identify the misdemeanor charges lodged against the arrestee.

Be It Further Resolved that the City shall not grant plan approval for a proposed assembly that seeks to gather at the same time and place as a previously approved First Amendment assembly.

Be It Further Resolved that voluntary registrants and participants in any public rally are expected to obey all laws of the City of Minneapolis, State of Minnesota, and United States of America, including all laws pertaining to the proper permitting and conduct of parades and block parties, laws pertaining to the use of amplified sound, and laws pertaining to blocking or impeding traffic on any city street.

Be It Further Resolved that City staff is directed to coordinate and cooperate with other political subdivisions, including the Minneapolis Parks and Recreation Board, to the fullest extent possible and as authorized by joint powers agreements or other legal authority on scheduling and providing safe and available forums for public rallies.

Be It Further Resolved that City staff is directed to work with the communications department to provide web-based and other communication regarding the benefits of voluntary registration of public rallies, including the services the City can provide in exchange for voluntary registration. City staff is further directed to provide information on the proposed size, location, and times of public rallies to any member of the public.