



# INSPECTOR GENERAL ALERT

## *Decorum in Public Meetings*

November 17, 2021

Report # OP-2201

### Background

During our audit of Building Security, we noted disruptive incidents at local government public meetings and events, sometimes resulting in violence, have been occurring around the country with greater frequency. Examples of meeting disruptions we noted include:

1. A group of citizens repeatedly shouting their opposition to new vaccine mandates at a city commission meeting resulted in their removal. (*New York City, New York – September 2021*)
2. Two women's outbursts at a city commission meeting over the decision to conduct budget meetings virtually ended in their removal from the meeting. (*Corpus Christi, Texas – August 2021*)
3. An organized protest in a city commission meeting ended in one person's arrest after protestors refused to comply with law enforcement's orders to leave the meeting. (*Huntsville, Alabama – July 2021*)
4. A group of residents stood on chairs protesting a decision made by the city commission, which led to the removal of those residents from the meeting and one person's arrest. (*Des Moines, Iowa – June 2021*)
5. A fistfight between two men occurred at a city commission meeting over a decision regarding a public sidewalk. (*St. Petersburg, Florida – October 2009*)

To help reduce the risks related to disruptive behaviors, many local governments have implemented policies related to decorum in public meetings. The legality of such policies has been challenged based on infringement of First Amendment protections. In some instances, those policies have been found by the courts to serve as a mechanism that could result in an impermissible silencing of a speaker's viewpoint. However, courts have also ruled governments have a legitimate interest in preserving order in public meetings and, as such, can institute policies to preserve the orderly conduct of public meetings. Such policies should focus on identifying and prohibiting conduct that would disrupt public meetings or infringe on the rights of others attending public meetings and not the viewpoints, opinions, or perspectives of speakers. Accordingly, a policy developed to protect a local government's interest in conducting orderly and efficient meetings should not include provisions which could easily lead to the infringement of the free speech rights provided for in the First Amendment.

### Issue

Based on our audit work related to the security of City facilities, we noted a policy had not been established providing guidance for enforcement of standards of conduct in the interest of conducting efficient and orderly public meetings to help prevent disruptions of public meetings. However, we noted Commission Policy 108, *Public Participation at Meetings*, includes a Pledge of Civility for public speakers which asks for attendees to be respectful, direct comments to issues, and avoid personal attacks.

## Recommendation

To help ensure the City's ability to conduct public meetings in an orderly and efficient manner, we recommend City Commission Policy #108 be amended, or a new City Commission policy be developed, to establish a code of conduct or standards of decorum for City public meetings and events.

Such a policy should complement and expand upon the Pledge of Civility within Commission Policy #108 by identifying behaviors or actions deemed to be disruptive or which would impair the rights of others attending meetings or events. While drafting the policy, care should be taken to ensure rights identified in the First Amendment and Florida Statute 286.0114 are protected.

To assist in the policy development, we have identified examples of behaviors and activities that are generally considered disruptive and not in the interest of orderly and efficient public meetings and events.

- Heckling, verbal outbursts or other interruptions.
- Shouting, yelling, screaming, threats, or other forms of verbal abuse.
- Noisemakers, air horns, whistles, or similar noise-making items.
- Signs, placards, banners, or objects that impede the visual rights of others.
- Approaching the dais to distribute materials to board members rather than providing these items to the recording secretary for orderly distribution and consideration.
- Refusal to relinquish the podium or microphone, or impeding the next speaker's ability to provide public comments.
- Ringing cell phones or people speaking on cell phones in public meetings.

Additionally, to help ensure the consistent treatment of individuals who violate the policy, we recommend the policy also include enforcement protocols. Those protocols should identify who (e.g., chairperson overseeing the meeting) is responsible for enforcing the policy, actions that may be taken when policy violations occur, and recourse options available to those who had enforcement action(s) taken against them for policy violations.



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