



Keeping Public Meetings Safe and Civil

By City Attorney Mara W. Elliott

Every citizen has a right to be heard at public meetings when decisions are being made that affect our lives, our families, and our community.

Lately, however, this hallmark of American democracy is being tested. Throughout our country, public meetings are being disrupted by people who make the orderly conduct of business difficult. Some disruptors want to prevent contrary voices from being heard. Others hope to stop government in its tracks. Still others are merely seeking an audience.

These situations can be challenging. Elected officials have an obligation to protect the First Amendment rights of their constituents. But they also have a duty to conduct the people’s business in an orderly manner and in a safe environment. When these principles conflict, the public is best served when conflict resolution tactics are deployed.

Recently my Office held a training on de-escalating conflicts at public meetings in partnership with the California School Boards Association, the County Office of Education, and the National Conflict Resolution Center.

The training was attended by school board members from around the county, many of whom have been on the front lines of our society’s culture wars. U.S. Attorney General Merrick Garland noted last year the “disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation’s public schools.”

School board members are generally hard-working volunteers whose community service goes unrewarded and unrecognized, and as a former attorney to school districts, I was pleased to be able to help them.

Here is a synopsis of what we discussed:

- Tensions can often be de-escalated before they become disruptions. The key is for elected officials to set a tone of mutual respect for people’s ideas and viewpoints, even when we disagree, and to encourage people to explain themselves without engaging in personal attacks or other tactics that distract from the issues at hand.
- Many agencies post Codes of Conduct at their meetings or read them aloud when a meeting begins. The elected officials then remind audience members of these principles when discourse veers toward being uncivil. Most people will adjust their behavior in response to clear and appropriate actions.

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- Federal, state, and local laws protect public meetings from disruptive conduct that goes beyond First Amendment-protected speech. These laws are intended to guarantee the safety of all participants and the orderly conduct of public business. In response to disruptions and protests, agencies can adjourn a meeting, clear a room, and remove people to a safe location.
- Disruptive behavior can include speaking out of turn, refusing to leave the lectern, hateful gestures, and threats of harm. No one has a right to interrupt a meeting to speak on whatever topic they wish, or to interrupt or talk over others.
- Disruptive behavior does *not* include criticizing an agency or legislative body, harsh questioning, or booing, all of which were found lawful by the California Supreme Court.
- Elected officials need to have thick skin, and to remain calm even if a speaker says untruthful or personally hurtful things – even mean-spirited speech is protected by the First Amendment. Sometimes all an angry person wants is to have his or her grievances heard.
- Calling in law enforcement is a last resort. It should reflect legitimate concerns about public safety, and not a belief that the threat of arrest will lead to compliance. Threats of arrest will often lead to arrest -- and such incidents can live on long after the initial issue has been forgotten.

We are fortunate to live in a region where political differences are generally aired and resolved with respect. Maintaining that social code is important to everyone, no matter what your political views are, and is vital to a full and meaningful participation in our democracy.

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