

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Ted B. Meekins,

Complainant

Report of Hearing Officer

against

Docket #FIC78-258

City and Town of Bridgeport;
and Police Commission of the
City and Town of Bridgeport,
Respondents

March 15, 1979

The above captioned matter was heard as a contested case on February 20, 1979, at which time the complainant and respondents appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined by §1-18a(a), G.S.

2. By letter filed with the Commission on Decemebr 21, 1978, the complainant alleged that he was denied his right to attend a public meeting held by the respondent commission on November 30, 1978.

3. The complainant was ordered to leave the public portion of the respondent commission's November 30, 1978 meeting. Such meeting was largely attended and the complainant was the only individual told to leave the room.

4. The November 30, 1978 meeting of the respondent commission was interrupted by loud audience applause in response to the testimony of a witness before the respondent commission.

5. §1-21h, G.S. permits a public agency to restore order by the removal of individuals who are wilfully interrupting a public meeting when the orderly conduct of such meeting becomes unfeasible.

6. Because all persons have the right to attend any public meeting subject only to very limited exceptions under the Freedom of Information law, a public agency who chooses to exclude individuals from a public meeting pursuant to §1-21h, G.S. has the burden of proving that there were no feasible means for restoring the orderly conduct of such meeting. Furthermore, such agency also has the burden of proving that the individuals removed from a public meeting were wilfully responsible for such interuption.

7. The respondent commission did not sustain its burden of proving that there were no feasible means of restoring the orderly conduct of its November 30, 1978 meeting prior to the complainant's removal.

8. Furthermore, the complainant's participation in the aforesaid interruption only appears to be part of the general audience outburst by way of applause in response to statements made by a testifying witness.

9. It is therefore concluded that the complainant was wrongfully denied his right to attend the November 30, 1978 meeting of the respondent commission, in violation of §1-21, G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth, the respondents shall employ all feasible means of restoring order to its public meeting before ordering individuals to leave the meeting room.

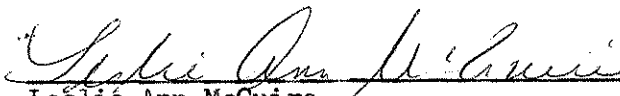
2. Henceforth, the respondents shall not remove from the meeting room individual members of the public attending a public meeting unless such individuals are responsible for wilfully interrupting such meeting so as to render the restoration of order unfeasible.



Commissioner Donald Friedman

as Hearing Officer

As approved by Order of the Freedom of Information Commission
on March 28, 1979.



Leslie Ann McGuire
Acting Clerk of the Commission