

"Not *That* Person Again!"

by Warren Kraft

In most every community, there is at least one person who, for lack of a better way of phrasing it, becomes a pest. The trigger could be a pressing political issue (not necessarily a local matter), a more personal issue—a parking ticket or a confrontation with a city inspector—or some other matter that the individual seeks a response or assistance on. This is not one of those challenges that one recalls were "discussed in the interview" or even thought of when deciding to pursue a public servant role. Nonetheless, frequent, even daily, contact with the individual awaits.

In my former city attorney days, there was a gentleman whose only source of social activity seemed to be the constant contact with municipal staff. He had hosted a political viewpoints show on the local cable access channel until he lost the volunteer staff needed to produce the program. He then started appearing regularly at council meetings. He used his five-minute speaking allotment under Citizen Statements portion of the meeting to talk about road rage, the diminishing ranks of World War II veterans, and to praise the community television staff and me (on rare occasion). However, whenever the presiding officer attempted to enforce the five-minute rule, the man's gentle demeanor immediately turned hostile. Even as the television producer turned off the microphone, viewers could still hear the man's booming voice, off camera.

There were also the telephone calls (and not just to the office). Initially, my strongly-worded suggestions to limit the contact to work hours achieved the intended results. The speaker phone became a blessing when, at the "appropriate" moments, his call would be put through. Working on other matters and "listening with one ear" to infrequently offer generic responses accomplished two things: it gave him his needed audience, and allowed me to get my other tasks accomplished.

Recently, a colleague on the IMLA/MCC list serve posed a similar dilemma, about a local citizen who was paranoid about the police department and visited various civic offices to complain about being followed and harassed. She declined to file a formal complaint and her frequent visits were hurting the work flow, but city workers were hesitant to do anything that appeared heavy-handed. Another colleague chimed in about their local eccentric: she dressed in a cowboy outfit and appeared one day with a birthday cake for city hall staff, because she didn't know when everyone's birthday was. A third poster reported having a citizen lie on the floor of the attorney's office to complain about his woes with the inspection department. He had painted his house black with the numbers "666" on the exterior and barricaded his windows. Yet another described a caller who telephoned a city attorney's office to complain about boys living in her attic.

Whether caused by an underlying condition or just because the citizen sees municipal staff as a social outlet, the challenge is unchanged: how does one deal with frequent visits from those who disrupt the normal and required office activities?

Asking for guidance on the IMLA/MCC Municipal Attorneys List, these inquirers received an array of responses. If the unannounced visits (demanding an immediate audience) are troubling, can an appointment be required? Can one feign a meeting out of the office and head out the door, or maybe "take an immediate phone call" as soon as the citizen appears? Occasionally, the citizen might not have relatives to look after him or her, or may have no other type of social life. Not necessarily so, responded one colleague —the citizen there had come in with her son to complain about police harassment, and had added that she had no time for any other social life because she was wrapped up in the "conspiracy" against her.

If the citizen becomes a routine complainant, is there a process that requires all complaints to be in writing before they can be processed? Of course, the counter staff will patiently listen, but each time, they can remind the citizen that the complaint needs to be documented (and the patience of the office staff will eventually wear thin). Thin skins and short fuses have no place in this business, so on to the next step.

A law enforcement presence can be counterproductive, as it may escalate an otherwise stable situation. For example, in my case of the citizen extending his stay at the podium, he had angrily begged the mayor to call police and have him arrested and removed from the chambers—in full view of the television cameras, of course. Some circumstances might benefit from the gentle use of a police officer. In one situation where the citizen usually appeared at the same time, the chief of police was present when the citizen ignored a secretary's request not to continue into the attorney's office. The chief was able to convince the fellow to follow the chief out of city hall and continued the conversation in the parking lot, before sending him on his way. Whatever was said worked, because

the citizen never repeated his visits to the attorney's office. In another example, an overly talkative person at council meetings took to calling the municipal attorney at his home, despite promising to cease the calls. A conversation with the police chief revealed first, that the man lacked the funds to pay for an ordinance violation, and two, that there were serious health concerns at work. As the man's wife explained to the chief, he lacked the capacity to understand or remember the admonition to cease and desist. Again, a visit or two from the friendly police chief apparently got the intended results.

Keep in mind, too, that municipal office workers do not usually have the training to handle situations involving an underlying health issue. Agencies like elder-care services, adult protective services, or a local mental-health agency might offer the appropriate assistance and guidance as to how best to respond. In one jurisdiction, a public guardian can petition for an involuntary commitment of the individual, should the need be pressing. A listserve colleague offering the suggestion mused that any relatives might (finally) show up if they learned that assets were being expended on fees for the public guardian.

If the use of citations for ordinance violations to curb the behavior is either unsuccessful or not an option, the ultimate recourse may be an injunction to prohibit the individual from continuing the unproductive contacts. One is cautioned to use legal action with great care in these acute situations, and a healthy dose of patience remains a ready weapon in the arsenal.

One colleague concluded that, "absent aggressive behavior," these visits were "sometimes just analogous to [a person] who comes to speak about nothing for public comment at every meeting and talk[s for] nine minutes instead of the allocated five minutes. Does the annoyance really amount to harassment? Sometimes, yes." Yet another example of what we didn't learn about in law school.

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