

CITY OF MADISON TRANSPORTATION COMMISSION

UPDATE ITEM DETAIL - JUNE 24, 2020

UPDATE TITLE: Use of Metro Buses to Transport Police during Protests

PRESENTED BY: Metro Transit, Justin Stuehrenberg

BACKGROUND

After the recent murder of George Floyd in Minneapolis, mostly peaceful protests have occurred in Madison. In some instances, portions of people claiming to protest began to engage in property damage around the City, primarily in the vicinity of State Street. This resulted in an emergency declaration, an increased presence of City of Madison police, and a call to the Wisconsin National Guard to provide additional assistance. In some cases, the tactics used by the Police has been criticized by protestors.

Madison Metro is a department of the City of Madison and is governed by Madison General Ordinance §3.20, which in section (6)(a) states: “the officers and personnel of all such departments and agencies are directed to cooperate with and extend such service and facilities as are required of them by the Emergency Management Coordinator.” Additionally, Metro Transit comprises a component of the City’s Emergency Management Plan (“EMP”). The EMP, which is prepared in part by the Emergency Planning Staff Team, reviewed by the City’s Public Safety Review Committee, and adopted by the Common Council, provides in part: “During emergency operations, department heads retain administrative and policy control over their employees and equipment. However, personnel and equipment will carry out mission assignments directed by the IC.”

Under the EMP and pursuant to M.G.O. § 3.20 Metro has provided transportation assistance in the past, including natural disasters, the Act 10 state protests, as rehab resources for firefighters at fire scenes, as warming shelters during extremely cold weather and as cooling stations during extremely hot weather, as transportation for law enforcement and intoxicated individuals during Freakfest, and as transportation to move people from unsafe buildings to a Red Cross shelter, among other incidents and circumstances. And, Metro is currently being used during the COVID-19 pandemic to transport people experiencing homelessness. Beyond the City, Metro Transit is the only mass mover of people in the County with 24/7 staffing and at any time may be asked to provide assistance with incidents throughout the County. For example, Metro provided assistance during the recent Sun Prairie explosion.

In this most recent case, as has been the case in previous emergency declarations, Metro was called upon to provide transportation assistance to the City of Madison Police and the Wisconsin National Guard.. It provided resources as required by the ordinances and policies cited above. In doing so, Metro ran shuttles on eight nights that transported Police and National Guard members between various command points throughout the City. On the first night, windshields of two buses were broken.

The criticism of Police tactics and Metro’s role in transporting officers has resulted in some community members calling for Metro to discontinue the practice of providing this assistance.

DISCUSSION

Although Metro was required to provide this assistance, Metro leadership did take steps to ensure that staff members’ safety would not be put at risk by not getting close to State St. Leadership also worked to ensure staff members would not face penalties for opting not to participate out of either safety or moral concerns.

Metro has been tracking costs related to providing this assistance, but it has not been determined if reimbursement of those costs would be sought. In the past those costs have not always been reimbursed.

Several other transit agencies around the country have announced that they would no longer be providing assistance to the Police at this time. However, most transit agencies are separate entities from their cities and are under no legal

obligation to assist the city police departments. Madison Metro is different in that, as a City department, its buses are property of the City and, therefore, available for City use unless otherwise prohibited by city policy or law. Therefore, from Metro's perspective, it would take a policy and/or ordinance change to ensure either that 1) the City does not request the assistance of Metro busses in the first place or 2) that Metro leadership could refuse to provide such assistance if so requested.

Metro Transit and the Transportation Policy and Planning Board have asked the City Attorney's Office to review M.G.O. § 3.20, the City's Emergency Management Plan, and other relevant City ordinances to identify options for addressing the concerns raised by this particular issue while ensuring that Metro resources will still be available in other instances, like those described above, to take care of people and the community.