



# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

## *POLICE ADVISORY & OVERSIGHT BOARD*

# MINUTES

**Meeting:** Police Advisory & Oversight Board Regular Meeting

**Date:** 01.12.2023

**Time:** 5:00 p.m.

**Location:** City Commission Chambers

The Regular Meeting of the Police Advisory & Oversight Board of Fargo Police Department was held in the Commission Chambers at City Hall at 5:00 p.m., Thursday, January 12<sup>th</sup>, 2023.

The Police Advisory & Oversight Board members present or absent were as follows:

**Present:** Scott Paul, Todd Spellerberg, David Hogenson (by phone), Joanna Johnson, Conrad Thomas, Lucrachia King, Tonya Greywind.

**Absent:** None.

**Item 1. Welcome and Board Member Introductions**

Chair Johnson welcomed Members to the meeting and introductions were made.

**Item 2. Approve or Amend Agenda**

Vice Chair King moved the Agenda be approved as presented. Second by Member Spellerberg. All Members present voted aye and the motion was declared carried.

**Item 3. Approve or Amend Minutes**

Member Spellerberg moved the minutes of the December 8th, 2022 Police Advisory & Oversight Board meeting be approved as presented. Second by Member Greywind. All Members present voted aye and the motion was declared carried.

**Item 4. Public Comment Period**

1. Emily Benson is a former law enforcement officer. She referred to Chief Zibolski's comment at a previous meeting that members of the community don't understand why officers take the actions they do. She went over her views of the Shane Netterville incident, specifically officer positioning.
2. Brian Glaeske wanted to display a presentation, which was denied. After going through the BCI report, he does not think it accurately placed the officers on scene. He believes there are gaps in the report. He wonders why EMS wasn't

dispatched at the start when officers thought they were responding to a medical call.

3. Christopher Coen referred to the comment at a previous meeting that the Board is not set up for investigation, but the ordinance states that the Board is supposed to do reviews. One of the duties of the Board is to advise the Fargo Police Department about community concerns. He pointed out that the killing of Shane Netterville is a community concern. He said that the Board is supposed to review post-discipline findings and that there was a policy violation when Officer O'Brien shot at the vehicle.

**Item 5. Police Department Updates**

1. Sergeant Jacobsen – logistics pertaining to the upcoming Town Hall listening session
  - a. The listening session will be at Sky Commons on Wednesday, January 25<sup>th</sup> at 6:00pm.
  - b. Invitations will go out through social media, three Commissions/Boards, media sources, and to Board Members for their own dissemination.
  - c. Looking to have topics categorized so that notes can be organized. Sergeant Jacobsen presented several possible topics.
    - i. Member Paul asked that community thoughts on police use of force be added.
    - ii. Member Thomas asked that thoughts on de-escalation be added.
  - d. No Board action will be taken at the meeting.
  - e. Member Greywind asked if there will there be a time limit for speakers. No time limit has been declared.
  - f. Member Thomas asked who from the Department will be attending. Sergeant Jacobsen replied that she and Chief Zibolski will definitely be there. The chain of command will be also notified and welcome to attend. Member Thomas pointed out that it might be nice to have others give their perspective.

**Item 6. Board discussion pertaining to developing bylaws**

1. Public comment duration
  - a. Member Paul doesn't believe two minutes is long enough. He suggested three or four minutes.
  - b. Member Greywind agreed that two minutes is too short. She suggested a quarterly town hall meeting and eliminating public comment at Board meetings.
  - c. Member Thomas asked where public comments go. He stated there should be some substance behind what happens after a community member makes a comment.
  - d. Chair Johnson asked if the time is increased, does that decrease the amount of people that can speak at each meeting?
  - e. Member Paul was concerned about removing public comment from regular meetings as it might be hard for someone to make a quarterly meeting.
  - f. Member Paul moved to amend to three minutes for five speakers. Member Spellerberg seconded. Members Paul, Spellerberg, Hogenson, Greywind, Chair Johnson, and Vice Chair King voted aye. Member Thomas abstained. The motion carried.
  - g. Chair Johnson brought up the topic of yielding time and whether it should be limited or allowed. It is not a practice at the City Commission meeting.
  - h. Member Hogenson commented that it should maybe be considered to allow a citizen to show a presentation that they've prepared.
    - i. Sergeant Jacobsen had consulted with the City Commission and they were told that public comment is for verbal presentations.
    - ii. Vice Chair King asked if the presentations could be allowed at town hall meetings.
    - iii. It works well to submit it online and the Board could move to add it to the agenda to show it in public.
      1. It is also available to the public as a request for open records, even if it's not presented.
  - i. Member Spellerberg moved to not allow the yielding of time during public comment. Member Paul seconded. Members Paul, Spellerberg, Greywind, Thomas, Chair Johnson, and Vice Chair King voted aye. Member Hogenson voted nay. The motion was carried.

2. Clarification of how the agenda is created and by whom
  - a. Procedurally, the Friday prior to the meeting, an agenda-setting meeting is had with the Chair, Vice Chair, Chief of Police, and Sergeant Jacobsen.
  - b. Currently, public communications are given to the Board approximately two weeks before each meeting.
    - i. Member Paul would like to see messages when they come in as soon as possible rather than getting everything at one time two weeks before the meeting.
    - ii. Chair Johnson brought up the timeline of getting requests the day before the agenda-setting meeting is challenging.
    - iii. Sergeant Jacobsen suggested that Members give the Chair, Vice Chair, and Chief requests for agenda items at least a week before the agenda-setting meeting. There was discussion amongst Members regarding the best time frame.
    - iv. Member Spellerberg moved that requests for agenda items be given to the Chair, Vice Chair, and Chief of Police by noon on the Friday before the meeting. Member Paul seconded. All Members present voted aye and the motion was carried.
3. Dialogue on adding agenda items on the day of the meeting
  - a. Member Paul moved to keep the flexibility of being able to add agenda items on the day of the meeting. Member Greywind seconded. No vote was held as there was no change and therefore no action.
4. Table items for subsequent meetings when an hour has been reached.
  - a. Tabled items can be added to the top of the next agenda to be the first topic of discussion among the Board.
5. Topics under the broad topic of bylaws pertaining to communication (Members to public, Members to Members, Board to other boards) will still need to be discussed.

Member Paul moved to table the remainder of the agenda items for the next meeting. Member Spellerberg second. All Members present voted aye and the motion was carried.

**Item 7. Board discussion pertaining to officer usage of profanity**

1. This agenda item was tabled due to time constraints.

**Item 8. Adjourn**

The time at adjournment was 6:04 p.m.