



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: 02.09.2023

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, February 9, 2023.

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

Present: Scott Paul, David Hogenson, Joanna Johnson, Lucruchia King, Tonya Greywind.

Absent: Todd Spellerberg, Conrad Thomas

Item 1. Welcome and Introductions

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

Item 2. Approve or Amend Agenda

Member Paul moved the Order of Agenda be approved as presented. Second by Member Greywind. All Members present voted aye and the motion was declared carried.

Item 3. Approve or Amend Minutes

Member Paul moved the minutes of the January 12, 2023 Police Advisory & Oversight Board meeting be approved as presented. Second by Vice Chair King. All Members present voted aye and the motion was declared carried.

Item 4. Approve or Amend Listening Session Minutes

Member Paul moved the minutes of the January 25, 2023 listening session be approved. Second by Greywind. All Members present voted aye and the motion was declared carried.

Item 5. Public Comment Period

1. Faith Dixon looked up the term abuse of power. Unjust police tactics can cause a person mental and physical harm. She feels the Fargo Police Department harasses people with disabilities. She feels harassed when she parks in a

handicap spot (she displayed a temporary handicap parking permit to the Board). She does not want people to be retaliated against for speaking.

2. Kelly Noack knows an individual who was being harassed by four officers last week while walking home from the grocery store during the morning. This has happened to this individual several times over the last ten years. Each time it has happened, Ms. Noack has become less trusting of the Fargo Police Department.
3. Karen Van Fossen was called for public comment off of the sign-up sheet but was not present.
4. Konrad Olson was called for public comment off of the sign-up sheet and had no comments.

Item 6. Police Department Updates

- a. Chief Zibolski has had two Zoom meetings with the Collaborative Reform Technical Assistance Center and they are working on a proposed work plan for policy review and community outreach. They are taking on the Fargo Police Department request for that review. Member Hogenson asked if the review is in regards to a specific incident or all critical incidents. Chief Zibolski said they are looking at policy review in general related to use of force, specifically the O'Brien shooting specifics in regards to community outreach. The timeline is unknown, but they've been pretty responsive.
- b. Chief Zibolski provided clarification that the whole department has had de-escalation training in a national program called Integrated Communications, Assessments, and Tactics (ICAT). It was mentioned at the Monday Commission meeting that not everyone in the department had.
- c. Chief Zibolski addressed that Ms. Dixon's citation complaint is being investigated. There will be a report back to the Board once the results of that internal investigation is done.
- d. Saturday (February 11, 2023) at 10am is a memorial ceremony at the Police Department in honor of Officer Jason Moszer, who was killed in the line of duty in 2016.

Item 7. Board discussion pertaining to developing by-laws

City Attorney Nancy Morris provided some clarification on Open Records and Open Meeting laws regarding what makes a "meeting." Communications amongst a quorum (which is four or more members for the Police Advisory & Oversight Board) constitutes a "meeting," whether in person, by email, video conference, etc., and must be noticed to the public.

1. Communication between Board Members
 - a. Board Members discussed how creating a quorum needs to be intentional.
 - b. City Attorney Morris provided the guidance that getting information to fellow Board Members would be best done by sending it to staff and having them disseminate it in order to avoid a quorum.
2. Communication between Board Members and the Public
 - a. Comments put on the website will be given to the Board Members.
3. Communication between Board Members and Staff
 - a. Sergeant Jacobsen requested that any research done be provided along with requests or conversation with staff.
4. Communication between Board Members and other city Boards
 - a. Member Greywind asked if guidance would be provided on how to communicate with other Boards and if that guidance would also be sent to other committees. City Attorney Morris said that there isn't currently a protocol for it, but it is probably just following the open meeting laws for those communications and that it should be a Board decision. Chief Zibolski said he would bring forward the idea of direction for effective communication between the Boards to the mayor and city administration. It may need conversation between the Chairs of the Boards and city administration.
 - b. Member Hogenson asked if a Board Member can make a public comment at another Board's meeting if speaking as a citizen and not as a Member of the Board. City Attorney Morris said it should be clear that they are speaking as an individual and not on behalf of the Board.

City Attorney Morris will have a draft of the by-laws for the Board's consideration at the next meeting.

Chief Zibolski referred back to Item 6. He had forgotten to introduce a new member of the Diversity, Equity, and Inclusion department, Ahmed Shiil. Mr. Shiil introduced himself to the Board.

Item 8. Board discussion pertaining to officer usage of profanity

1. Member Hogenson said that when it comes to profanity, it's not allowed within the Chambers, with no exception. Use of profanity by law enforcement has led to the public being afraid of police officers. Use of profanity is a barrier to establishing trust between the police and the public. Law Enforcement use of profanity rarely results in improved citizen compliance and runs counter to de-escalation efforts. He thinks there should be a policy prohibiting or at least strongly discourage the use of profanity by the Police Department.
2. Chief Zibolski said that there is a policy for use of profanity and derogatory treatment of individuals. Officers have been disciplined on it in the past. Deputy Chief Anderson has his end of year personnel complaint report ready for presentation to the Board and some of those cases can be synopsisized for the Board. The incidents are judged based on the totality of the circumstances, including employee motivation, years of experience, and prior disciplinary record.

Item 9. Board discussion reviewing January listening session

1. Chair Johnson suggested a dedicated meeting to discuss the listening session and go through some of the items that were brought forward and decide how to prioritize and perhaps agendize some of those items. All Members present agreed that another brown bag meeting is a good idea.
2. Member Paul suggested that such a meeting take place before the regular March meeting to avoid losing momentum.
3. After some discussion, it was decided that the brown bag meeting will take place on Wednesday, February 22, 2023 from 5:30-7:00pm. Sergeant Jacobsen will send official confirmation to the Board Members once a location can be set, and the meeting information will also be sent out to the community.

Item 10. Adjourn

The time at adjournment was 5:58 p.m.