



# 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:** 03.09.2023

**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, March 09, 2023.

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

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

**Absent:** Scott Paul.

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

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

**Item 2. Approve or Amend Agenda**

Member Hogenson moved the Order of 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 February 09, 2023 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. Christopher Coen mentioned a claim that Shane Netterville may have suffered from PTSD and might not have been able to respond to shouted commands. He thinks the Board should recommend to the City Commission that the Fargo Police Department study and report on those members of the community who might not be able to follow commands. He read an excerpt from the website for the National Center for PTSD. He commented on a meeting from a couple months ago on the City Attorney's comments on the Board recommending to the City Commission that an

independent investigation into the Shane Netterville shooting take place (she said that an independent investigation by the BCI had already taken place). He commented that the BCI is a police organization and police always protect police, so he doesn't consider that an independent investigation.

2. Brian Glaeske reminded the Board that Shane Netterville had 35 seconds between the first order being given and the shot being fired. He believes that members of the community is getting impatient with the Board is doing or not doing related to providing advice and oversight to the Fargo Police Department.
3. Konrad Olson was called for public comment off of the sign-up sheet and he declined to comment.

**Item 5. Police Department Updates**

1. Sergeant Jacobsen recognized that there was communication about federal training on professionalizing law enforcement community engagement training in a conference setting (hosted by the DOJ). Two Fargo Police Department members will be attending that conference.
2. The Department is still waiting for a response from the technical board of the COPS office regarding a collaborative reform initiative. They are still working on the request for the technical assistance, but no specific timeline has been provided.
3. Sergeant Jacobsen made the Board aware that several members of the Police Department met with the US Attorney's office regarding partnering with them for a United Against Hate initiative.
4. Sergeant Jacobsen addressed the awareness of community concern about legislation focused on the LGBTQ+ population. At this point, it is too soon for the Police Department to make specific comments.
5. There was community conversation about a form on the Fargo Police website about the Hate Crimes and Bias Incident Report Form. The form is coming down off of the website. Hate crimes should be reported to an officer by calling Dispatch. They would then be documented in a police report rather than on the form.
  - a. Member Hogenson clarified that the form would become irrelevant. Sergeant Jacobsen confirmed that the form would be going away.
6. Member Thomas asked about United Against Hate initiative. He asked how it was created and how will the community have an input. Sergeant Jacobsen clarified that the US Attorney's Office is tasked with the initiative. The Assistant US Attorneys reached out to the Fargo Police Department about the initiative. Sergeant Jacobsen thought it was likely the US Attorney's Office would host future listening sessions (but could not say definitively).
7. Member Hogenson asked about the pending legislation, particularly on if there has been any discussions internally at the Police Department about the viability of the laws. Is this an opportunity for the Police Department to offer insights to lawmakers before the laws are made? Sergeant Jacobsen cannot speak on behalf of the Command staff on what conversations may or may not be happening.

**Item 6. Fargo Police Department Policy Development, Implementation, and Lexipol Presentation by DC Anderson**

1. Between 1997 and 2016, department policies were developed within the agency, usually by the Chief of Police or designee using a variety of methods.
2. In 2014, ND POST purchased Lexipol. The Fargo Police Department didn't participate.
3. In 2016, the Fargo Police Department purchased Lexipol.
4. DC Anderson provide an overview of Lexipol's history as a company.
5. The Chief of Police is responsible for the policy manual.
6. Draft policy is internally reviewed by executive staff, policy review committee, and depending on the policy, the Training & Development Unit, Professional Accountability Unit, or Chief's Advisory committee.
7. How Fargo Police Department policy is implemented
  - a. Policy directives allow the Chief to rapidly enhance or clarify policy and then update the respective policy at the later time.
  - b. Lexipol continually provides policy updates. Typically these are due to legislative changes or US Supreme Court changes.
  - c. Policy intent - (shall/will, should, and may) – refers to amount of officer discretion allowed.

- d. New employees are educated on policy.
    - i. For civilians, the supervisor covers applicable policies during initial training and on an ongoing basis.
    - ii. For sworn staff, policy orientation is received during the academy or the police training program, then reoccurring policy review in briefings and daily training bulletins.
  - e. Daily Training Bulletins (DTBs) are written scenarios (roughly 25-30 a month) presented to officers, along with the relevant policy, and they must answer questions relating to the scenarios.
    - i. Officers receive training hours towards their ND POST license.
  - f. The Fargo Police Department policy manual is located on the website for transparency.
  - g. Lexipol allows the flexibility to add policies to the manual not included in the core manual.
  - h. The policy manual is supplemented by Standard Operating Procedure (SOP) manual.
    - i. The SOP manual was added in 2021.
8. Policy review is an ongoing process. Over 27 policies have been updated since late 2020, and more are under review and soon to be released
  9. Member Thomas asked about Lexipol being used to reduce liability rather than restrain the officers' discretion when encountering certain situations. DC Anderson responded that that's where the shall/should/may verbiage comes in. Member Thomas asked about what training is based on and how officers are graded.
  10. Member Greywind asked if DTBs are required or just encouraged. They are required. Member Greywind asked about how they're graded (whether they're auto-graded or if supervisors go back to review them).
    - a. Member Hogenson asked how long they take to do. Depending on the officer, they might take a minute or two to read, and then the question portion to pass the DTB.
    - b. Member Spellerberg asked if the 'passing' question is multiple choice, essay, or other. It's typically multiple choice.
    - c. Sergeant Jacobsen provided a short explanation of how DTBs look.
  11. Vice Chair King asked to clarify how Lexipol updates their policy, if it's based on changes in legislature. DC Anderson confirmed that Lexipol employees watch North Dakota and federal laws and Supreme Court and 8<sup>th</sup> Circuit decisions.
  12. Member Greywind asked if the Board will be able to see the pursuit simulator. DC Anderson said that he thinks that the Board would likely be able to participate.
  13. Member Thomas asked Sergeant Jacobsen if the Lexipol policies maximize officers' discretion when it comes to use of force. He commented on policy being there to reduce liability rather than humanizing policing. Sergeant Jacobsen explained that she looks at the policy as something that guides the officer with a very clear set of expectations. In some circumstances it is very specific, and in others it is just best practice guidelines. Sometimes the law articulates required action by an officer, but in others it is not as specific. She doesn't think that officers look at the policy as being about reducing liability, but as the path that they need to stay on so that they are serving the community in an appropriate and safe manner and recognizing expectations of the law, the Department, and the community.
  14. Vice Chair King asked about de-escalation and ICAT training and whether that's a will/shall, should, or may. Sergeant Jacobsen responded that ICAT training is a skill that is trained to officers so that when they are responding to a variety of circumstances that they have more tools on how to respond to verbally de-escalate a crisis situation. It's not a policy, it's a training tool to make officers more efficient in their interactions with the public.
  15. Member Hogenson asked how user-friendly is Lexipol when it comes to modifying policies. DC Anderson responded that it's very easy to update.

**Item 7. Board discussion on rescheduling working meeting**

1. Wednesday March 29<sup>th</sup> or April 5<sup>th</sup> were suggested by Sergeant Jacobsen.
2. The Board decided on March 29<sup>th</sup> from 5:30-7pm.
3. Sergeant Jacobsen will check to see if Sky Commons is available again, but will find an alternate location if it's not.

**Item 8. Adjourn**

The time at adjournment was 6:07 p.m.