



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: 05.11.2023

Time: 5:00 p.m.

Location: Dr. James Carlson Library's Senior Center

The Regular Meeting of the Police Advisory & Oversight Board of Fargo Police Department was held in the Dr. James Carlson Library's Senior Center at 5:00 p.m., Thursday, May 11th, 2023.

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

Present: David Hogenson, Joanna Johnson, Conrad Thomas, Scott Paul.

Absent: Tonya Greywind, Todd Spellerberg, Lucrachia King.

Item 1. Approve or Amend Agenda

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

Item 2. Approve or Amend Minutes

Member Paul moved the minutes of the April 11th, 2023 Police Advisory & Oversight Board meeting be approved as presented. Second by Member Hogenson. All Members present voted aye and the motion was declared carried.

Item 3. Fargo Police Department Presentation on Traffic Stops by Chief Zibolski

1. Historical context of police-community relations (RE: enforcement)
 - a. Inequitable policing/government strategies
 - b. Heavy presence in low socio-economic areas
 - c. Mistrust and failed relationships have led to greater conflict
2. What does law enforcement need to make a stop?
 - a. Reasonable suspicion
 - i. Observation of a traffic or equipment violation
 - ii. Sometimes reported by others via 911
 - iii. Occupants are believed to be committing, committed, or about to commit a crime
 - b. Probable cause of a crime

- i. Vehicle is or matches suspect vehicle
 - ii. Stolen vehicle or plate, etc.
- 3. Fleeing or attempting to allude an officer (NDCC 39-10-71)
 - a. Includes both visual or an audible signal to stop
 - b. Class A Misdemeanor – 1st offense
 - c. C Felony
 - i. During the commission of a felony
 - ii. Fleeing willfully creates inherent risk of death
 - iii. 2nd offense within 3 years
- 4. What info can the officer ask about?
 - a. Name and address, license plate number
 - b. Computerized check of driver's license/vehicle registration/insurance
 - c. Check of occupants and criminal histories
 - d. Issuing ticket/warning
 - e. Asking occupants about destination, route and purpose
- 5. Officers can order occupants out of an auto and direct them
 - a. PA v. Mimms (USSC 1977)
- 6. Vehicle searches
 - a. US v. Carroll (Carroll Doctrine- USSC 1925)
 - i. Officers can search if probable cause exists that the auto contains contraband or evidence of a crime
 - b. SD v. Opperman (USSC 1976)
 - i. Officers can search an auto prior to towing if policy exists to safeguard property (FPD Policy 502.5)
 - c. Arizona v. Gant (USSC 2009)
 - i. Officers can search vehicle incident to arrest if reasonable cause that vehicle contains evidence related to the arrest.
 - d. Consent search
 - i. You do not have to consent to a search
 - ii. Officer may have other legal means to search
- 7. Best practices – occupants
 - a. Pull to the right and stop upon seeing lights and/or siren
 - b. Put the vehicle in park
 - c. Keep hands in view
 - i. Drivers on top of steering wheel
 - ii. Passengers on lap unless otherwise directed
 - d. Wait for officer's approach before you start looking for driver's license, registration, insurance
 - e. If concealed carry holder and armed, advise officer verbally of this (not by showing) and follow instructions
 - f. Feel free to ask questions, but if you disagree go to court vs. confrontation at stop
 - g. Ask for the officer's name at the end of the stop
 - h. If you feel you were improperly stopped or treated:
 - i. Contact Fargo Police and ask for the shift commander (701-241-8175)
 - 1. All traffic stops are on squad and body-worn camera video
 - 2. Discuss and resolve **or**
 - ii. Appear in person to provide supervisor information regarding your complaint
 - iii. We will conduct an investigation and respond back to you
- 8. What you should not do
 - a. Move around in the vehicle
 - b. Duck down in the vehicle
 - c. Attempt to conceal your face, etc.

- d. Switch positions with the driver
 - e. Try to put on a seatbelt
 - f. Try to hide alcohol
 - g. Go into your glovebox for documents without discussion with officer
 - h. If armed, do not pull out the weapon or concealed carry license
 - i. The officer will let you know how to handle this so everyone is safe
 - i. Refuse to roll down your window or communicate with the officer
 - j. Interfere in any arrest that occurs
9. What police should do
- a. Treat you with dignity and respect
 - b. Approach and identify themselves
 - c. Advise you of the violation/reason for stop
 - d. Listen to your account/reason
 - e. Ask for your driver's license, insurance, registration info
 - f. Explain issuance of citation, warning, etc.
10. Felony/High-risk traffic stops

Item 4. Presentation Questions

Item 5. Adjourn

The time at adjournment was 6:55 p.m.