



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: 09.12.2024

Time: 5:00 p.m.

Location: Fargo Police Department in Gateway Commons

The Regular Meeting of the Police Advisory & Oversight Board of Fargo Police Department was held in Gateway Commons at the Fargo Police Department at 5:00 p.m., Thursday, September 12th, 2024.

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

Present: David Hogenson, Joanna Johnson, Conrad Thomas, Lucrachia King, Tonya Greywind.

Absent: Todd Spellerberg, Scott Paul.

Item 1. Welcome and Introductions

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

Item 2. Approve or Amend Agenda

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

Item 3. Approve or Amend Minutes

Member Johnson moved the minutes of the August 8th, 2024 Police Advisory & Oversight Board meeting be approved as presented. Second by Member King. All Members present voted aye and the motion was declared carried.

Item 4. Pick a Date for a Make-up Brown Bag Meeting

Chief Zibolski will have his executive assistant push out a poll to Board Members, and a date can be voted on at the next regular meeting.

Item 5. Public Comment Period

1. Sarah Altepeter said that for the last year, she has been a victim of extreme corruption. She said the court has been used to retaliate against her. She said she witnessed a conspiracy of judicial misconduct. She said there was no investigation into a murder-suicide threat that was made at the courthouse. She had a video of a district court judge

chasing her down the interstate while she was a judge on three cases she was a party. After trying to contact police wanting to press charges, nobody called her. She was harassed by her ex-husband throughout the end of 2023 and was told by the Fargo Police Department that it was a civil matter and the Fargo Police Department would not be investigating. She said the Chief failed her family and his actions were led by ex partes to refer her back to the court that was being used to retaliate against her. She has been requesting a child abuse report for the last nine months, in a request that stated she wanted all records between her and her ex-husband from 2016 to 2024. She received a few of those.

Item 6. Questions from Community Members – DNA

1. Does the Fargo Police Department collect DNA?
 - a. Yes, the Fargo Police Department does collect DNA. Sergeant Gamradt provided an overview of the kinds of DNA samples that have been collected since January 1st, 2023.
2. What training is completed?
 - a. All detectives and investigators in the Criminal Investigation Unit are trained in the collection of DNA. All Crime Scene Investigators (CSIs) in the Neighborhood Services Division are trained in the collection of DNA evidence. There are approximately 30 CSIs.
 - b. Training is three days (24 hours).
3. How large is the DNA database?
 - a. The database for DNA comparison is kept at the North Dakota State Crime Lab. The Fargo Police Department submits all DNA evidence to the ND State Lab for analysis.
 - b. NDCC 31-13-03(1) dictates when DNA can be collected from an individual who is arrested.
 - c. Vice Chair Thomas asked about the rights of the person from which DNA is wanted to be collected and if they have to consent. Sergeant Gamradt said it depends on the situation. When collecting DNA to investigate a crime, warrant or consent would be needed to enter a specific space to collect DNA. If it's from an individual, they'd also want a warrant. In the case of a felony arrest, that's collected according to law.
 - d. Member Hogenson clarified if it would be a member of the Police Department or of the jail that would take the DNA from someone arrested. Sergeant Gamradt said it would be someone from the county.
 - e. Member Johnson asked about touch DNA. Sergeant Gamradt used the example of a recovered abandoned stolen vehicle, touch DNA might be taken from the steering wheel, shifter, entry point of the vehicle, or other areas that are known to be common for individuals to have left DNA. DNA can come from any part of the body, to include saliva and other biological.
4. Sergeant Gamradt shared a DNA success story regarding a string of sexual assaults from 2013-2016. There were three female victims, all who completed SANE kits (collected by a professional nurse inside a medical facility). All three kits were sent to the ND Crime Lab and submitted into the Combined DNA Index System (CODIS). The suspect was arrested for a felony in California in 2019. His DNA was submitted to CODIS and that allowed the Fargo Police Department to be made aware of the match. The suspect was charged and convicted in Cass County District Court.
5. Member Hogenson asked how wide is the CODIS database. Chief Zibolski answered it's national within the US. DNA samples have to be lawfully collected in order to be entered into the system. That may be by consent, a warrant, or even property discarded in public places (such as a thrown away used tissue). Chief Zibolski spoke about SANE (Sexual Assault Nursing Exam) kits and their significance in identifying and convicting suspects of sexual assault. He said sexual assault crimes are significant and traumatic and victims are sometimes hesitant to report them or go into the hospital right away. A SANE kit is a specialized nurse who is trained in collecting DNA evidence from victims of sexual assault. That evidence is oftentimes very significant in convicting and identifying suspects of those crimes.
6. Member Hogenson asked if the ND Crime Lab processes all SANE kits. Chief Zibolski confirmed they do. He also said the Crime Lab is bringing back a latent print examiner and a firearm examiner, which were positions previously unfilled due to staffing. He said you can get DNA and fingerprints from the same object.
7. Member Hogenson asked if SANE kits are still backed up. Chief Zibolski thinks the backlog has been alleviated, though he is not certain.

8. Member King asked how long a DNA sample lasts. Chief Zibolski answered they are not removed from CODIS once they have been submitted.

Item 7. Police Department Updates – Chief David Zibolski

1. The Traffic Safety Team is starting to roll out this week and will be out full force by the end of the year.
2. Police 500, Traffic Function and Responsibility, has been updated. It requires officers to issue citations through TraCS (an electronic system), and warnings are now tracked. The policy also added the inclusion of race and sex (the state does not require it, so the system does not require it). That went into effect last week.
3. Member Thomas asked about what is the purpose of tracking the race or ethnicity of those who are stopped. Chief Zibolski thinks a community concern is profiling. If it can be used to track patterns of behavior with certain officers, it could initiate further review or investigation. It could be used in the personnel complaint process. A big piece is the warnings being tracked. Previously, if someone gave everyone a warning, that was not tracked and could not be used to identify inappropriate behavior. If nothing else, it helps assure the community from a transparency perspective that all data is being tracked, not just for general data, but for patterns and to discourage inappropriate behavior. The policy update should be on the website sometime next week.
4. Member Johnson asked about a COPS update on the Use of Force Policy. Chief Zibolski said they have looked at the policy. Captain Helmick has been working with them as the point of contact. Chief Zibolski needs to look over his report. The report for the larger critical incident response piece probably won't be ready until at least the end of the year.

Item 8. School Resource Officers – Sgt. Gamradt

1. Structure
 - a. Under the Specialized Services Unit, comprised of one Lieutenant, one Sergeant, and seven School Resource Officers (SROs)
 - b. There are seven Fargo Public Schools with SROs. There are 14 elementary schools not covered by an SRO, but they do receive SRO support when needed
2. Responsibilities/Roles
 - a. School safety
 - b. Resource to school administration when it comes to criminal matters; SROs can advise administration on what is criminal and what isn't and can help guide them through that. Along with several of the changes in North Dakota, juvenile laws have changed as that's gone through, so SROs can help work through some of the intricacies of that.
 - c. Reduce violence in schools; they can do that by just talking, and they are able to get to know individual students and their demeanors and that can make it easier to read a room
 - d. Be a positive role model for students and staff
 - e. Improve relationships between law enforcement and students; SROs have a unique opportunity to be with students inside of schools in maybe a non-authoritative sense. They are able to interact with them.
 - f. Do not enforce school policy and behavioral issues; they can standby if they feel enforcement by the school would not be taken well by the student, but they would be solely there for protection in that case
3. Educational Instruction
 - a. Topics discussed in schools include justification for rules of the law, consequences of a crime, juvenile and adult criminal justice systems, career opportunities in law enforcement, substance abuse prevention, violence and crime prevention, and they attend threat assessment meetings.
 - b. SROs attend National Association of School Resource Officers (NASRO) SRO Basic and Advanced schools for training. The school environment can be different from patrol.
 - c. Vice Chair Thomas asked for clarification on the educational instruction and whether that's given to the whole school or to individuals. Sergeant Gamradt answered that they would teach classes based on that.
 - d. Member Johnson asked if officers ever go to schools just to talk about citizen responsibilities and interacting with officers, building community trust. Sergeant Gamradt said that's something that's a responsibility of all officers,

not just SROs.

- e. Member Hogenson asked about the threat assessment meetings and if the threats against schools this Fall were above the SRO's function. Chief Zibolski answered the SRO does act as a point of contact and advisor. The recent string of threats mostly involved a large group of kids who don't live in North Dakota. What's common in policing across the country is that these groups online, a person might be retaliated against with something like swatting calls or bomb threats to schools. When it comes to evacuation, Police can make a recommendation, but the decision to evacuate is always the school's or private entity's.
 - f. Member Hogenson clarified that the problems in Fargo are not originating locally. Chief Zibolski answered for what he knows about it so far, as the FBI has the investigation, is that most of those involved in these latest ones don't even live in North Dakota.
 - g. Sergeant Gamradt added that there are many layers of a threat assessment, and not all of a threat assessment is going to fall on the SRO.
4. Unified Response to Active Threats
- a. Cass County Unified School Response (CCUSR)
 - i. Fargo Police Department, West Fargo Police Department, Moorhead Police Department , Cass County Sheriff's Office, Clay County Sheriff's Office, NDSU Police Department
 - b. There is standardized training for all area law enforcement responding to an active threat
 - c. Single person entries on active killer scenarios; you may be the first individual on scene and you're going to have to go in; they used to train in teams, but now it's if you get there, you go.
 - d. Chief Zibolski spoke of the Asher training. It's coordinated training with all of the CCUSR entities.
 - e. Chief Zibolski mentioned that there are schools in the city of Fargo that are actually in the West Fargo school district and therefore have a West Fargo SRO. There has been a more cohesive relationship established in terms of that communication and training in events like this to make sure everyone is on the same page.
 - f. Chief Zibolski said that the City Attorney recently worked with the school district attorney to clarify the Memorandum of Understanding between the city and the school district, clarifying that SROs enforce laws, not school rules. That's been a push on the federal side.
5. West Fargo/Fargo Public School Efforts
- a. Schools provide ongoing training to their staff
 - b. West Fargo Public Schools in Fargo include Osgood Elementary, Independence Elementary, Willow Park Elementary, Deer Creek Elementary, Meadowlark Elementary
 - c. All Fargo Officers have been provided the means to have access to all Fargo and West Fargo Public School.
 - i. Member Hogenson asked for clarification on if that's West Fargo schools with Fargo SROs. Sergeant Gamradt answered it's West Fargo schools in the limits of the city of Fargo that have West Fargo SROs in them.

Item 9. Presentation Questions

1. Member King asked about silent alarms for active shooters. Chief Zibolski said technology like that is something the school district would have to choose to deploy. The Fargo Police Department would work with the school on that.
2. Vice Chair Thomas asked why there are some schools that don't have SROs. Chief Zibolski said there are staffing shortages on the street, and the Fargo Police Department would not add officers to the schools before the streets. It is budgetary. The Fargo Public School District pays for a portion of it, but the SRO is still the department's responsibility.
3. Chair Greywind asked if there is collaboration between Fargo and West Fargo SROs. Sergeant Gamradt said they don't do all of their training together, but they do collaborate and train together.

Member Hogenson asked about a meeting between the city and legislators on reckless driving and if there was any progress. Chief Zibolski said the city is working with legislators on that. Owner liability piece for fleeing and increasing fines as a deterrent factor, making some offenses infractions (racing, exhibition driving). Member Hogenson asked if the cameras throughout the city can be used to help catch them. Chief Zibolski confirmed the cameras will be able to be used by the Traffic

Safety Team. Member Hogenson asked if there are legislative hurdles for using images captured by the cameras. Chief Zibolski answered a ticket cannot be issued off of a red light camera or something similar based on a plate unless the driver has otherwise been identified.

Item 10. Adjourn

The time at adjournment was 6:02 p.m.