



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: 10.12.2023

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, October 12, 2023.

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

Present: Todd Spellerberg, David Hogenson, Conrad Thomas, Lucruchia King, Tonya Greywind.

Absent: Joanna Johnson, Scott Paul.

Item 1. Welcome and Introductions

Vice Chair King welcomed Members to the meeting and introductions were made.

Item 2. Approve or Amend Agenda

Member Thomas 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 September 14, 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. Approve New Agenda Item (Questions from Community Members)

- Questions from the community to Board Members would be sent to the Chair and Vice Chair to be discussed at the agenda-setting meeting. Some of those questions could then be addressed by the Police Department at the next meeting.
- Member Greywind moved the new agenda item of Questions from Community Members be approved as presented. Second by Member Spellerberg. All Members present voted aye and the motion was declared carried.

Item 5. Public Comment Period

No one signed up for public comment.

Item 6. Department Update (Sergeant Shawn Gamradt)

- A group from NDSU reached out to Community Engagement Team leadership and the Chief. They want to help the Police Department with community engagement.
- Update on the Police Department Subject Matter Expert on the Collaborate Reform. The 2nd individual reached out to by the organization has not yet gotten back to them yet.

Item 7. Presentation Pursuit Policy & Training (Training & Development Unit, Lt. Hannig and Sgt. Berger)

- The Fargo PD policy stresses a balance between the risk of pursuing a suspect and the importance of apprehending that suspect at the time for public safety.
- There are approximately two serious injuries and ten minor injuries for every 100 pursuits (Law Enforcement Management and Administrative Statistics).
 - 76% of the serious injuries occurred to the suspects.
 - 21% of the serious injuries occurred to persons not involved in the pursuit.
 - 3% of the serious injuries occurred to law enforcement officers.
- Member Thomas asked if the percentages show that non-participants are harmed by a suspect's dangerous driving or do they show that the police officers are causing an incident with a non-participant. Lieutenant Hannig answered that the data presented didn't dive into that portion of it.
- Legal authority:
 - Law Enforcement Officers utilize vehicles which are designated as Class A authorized Emergency Vehicles.
 - North Dakota Century Code outlines the requirements for a Class A authorized Emergency Vehicle.
 - The driver of a class A authorized emergency vehicle may:
 - Park or stand, irrespective of the provisions of "this chapter" (in reference to the relevant North Dakota Century Code section)
 - Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - Exceed the speed limit so long as the driver does not endanger life or property.
 - Disregard regulations governing direction of movement or turning in specified directions.
 - There are provisions for when officers can do those things.
 - When in pursuit or apprehension of a violator or suspected violator requiring the use of these exemptions.
 - When responding to a reporting emergency involving a possible personal injury, death, or damage to property.
 - In any instance when the head of a law enforcement agency deems advisable within the area of that person's jurisdiction for the protection of person and property and when giving audible signal by siren or when giving adequate warning by using their emergency lights.
 - Definition of a motor vehicle pursuit: an event involving one or more sworn officers attempting to stop a subject who is trying to avoid detention or arrest while operating a motor vehicle by using evasive tactics and/or maneuvers such as using a high rate of speed, disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly, or willfully failing to yield to an officer's signal to stop.
- A reiteration of "shall" vs. "should" vs. "may" when understanding policy.
 - "Shall" indicates actions that must be taken by the officer, with no officer discretion or exception.
 - "Should" indicates actions that can be deviated from if the officer has a reasonable, articulable reason.
 - "May" indicates actions that are left to officer discretion.
- Fargo Police Policy 301, subsection 307.3.1
 - Policy mandates factors that shall be considered, both individually and collectively, when determining whether

- or not to initiate and/or further a pursuit.
 - Policy lays out actions to be taken when a pursuit is terminated.
- Training
 - Officers are provided training to familiarize them with the risks of emergency vehicle driving and provide them with the information to mitigate those risks.
 - Officers are familiarized with the emergency vehicle equipment and operation, and in a controlled environment push the emergency vehicles to their limits to familiarized them with the vehicle's capabilities and their individual performance limits.
 - During the training, trainers emphasize maintaining the proper mental conditioning associated with emergency vehicle operations.
 - Member Thomas asked how often the training is, is it a single event or an annual type of thing. Lieutenant Hannig answered that the initial training occurs in the academy, and then there is ongoing training as well, which can be done in the vehicles in a closed-course setting or with a driving simulator.
 - Member Greywind asked if the training is conducted in different weather conditions. Lieutenant Hannig answered that a lot of that is based on the time of the year in the academy. Emergency vehicle operations is a constantly practiced skill, so the training then continues to occur throughout the Police Training Officer program. Any time a pursuit takes place, a formal evaluation is done that is forwarded to the Professional Accountability Unit to be evaluated for whether it was done in a safe manner, if the officer followed protocol, and what opportunities can be taken to train the officer better if they did not follow protocol.
 - Driving training at the Red River Valley Fairgrounds
 - Pursuit simulator training
 - Includes more than 120 different training scenarios
 - Scenario Developer which allows instructors to modify and customize training scenarios to fit training objectives
 - The simulator has an electric motion system which adds realism to the training experience
- Vice Chair King asked if there has been an increase in Fargo with fleeing vehicles or injuries that have occurred. Lieutenant Hannig answered that in Fargo, not a lot of injuries have been seen since the policy is fairly restrictive and the officer training.
- Member Hogenson commented that he was under the impression that there were significantly more fleeing vehicles now than in years past. Lieutenant Hannig answered that there are a good number of fleeing incidents, and it's a smaller percentage of the population that's committing the majority of fleeing incidents.
- Member Hogenson asked if law enforcement vehicles have the same tool that Fire and Ambulance use to control traffic control signals. Lieutenant Hannig answered that law enforcement uses the same function.
- Member Thomas presented a scenario in which a car flees the wrong way down a one-way street and asked if an officer would pursue, also going the wrong way down the one-way street. Lieutenant Hannig answered that would be very situational. Fargo Police Department policy doesn't prohibit that, but it's a dangerous situation that would have to consider many other factors.

Item 8. Adjourn

The time at adjournment was 6:06 p.m.