



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: 11.14.2024

Time: 5:00 p.m.

Location: Fargo Police Department Gateway Commons

The Regular Meeting of the Police Advisory & Oversight Board of Fargo Police Department was held in the Gateway Commons at the Fargo Police Department at 5:00 p.m., Thursday, November 14, 2024.

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

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

Absent: Todd Spellerberg, Tonya Greywind.

Item 1. Welcome and Introductions

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

Item 2. Approve or Amend Agenda

Member Paul 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 Paul moved the minutes of the October 10, 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. Public Comment Period

- No one signed up for public comment.

Item 5. Feedback on Brown Bag Meeting – Possible Next Date

- A poll will be sent out to Members regarding a possible date.
- Member Johnson suggested a day other than Thursday might be better so that it doesn't have to be pushed out so far.

Chief Zibolski spoke about the officer-involved shooting on the morning of 11/13/2024. No officers were injured. The individual involved is deceased. The investigation is with the North Dakota Bureau of Criminal Investigation (BCI).

Item 6. FPD Victim Services Specialist – Overview of Position – J. DiPalma

- Jordan DiPalma provided an overview of the role and responsibilities.
- This was a new position, created in 2023 (DiPalma started in October of 2023).
- Assist victim survivors by helping them navigate the criminal justice system, introduce them to their victim witness coordinator, give referrals to community resources, conduct needs assessment, serve as a support person for the victim, work closely with officers and detectives to support victims.
- Adult case types include domestic violence sexual assault, assault, and other cases as needed or requested.
- DiPalma is primarily working with adults as the state of North Dakota has several resources available for juveniles.
- All calls for service are reviewed; if there is a case report, it is read and an attempt is made to contact each victim
- A needs assessment includes what the immediate barriers to the victim's safety are.
- DiPalma is not a confidential advocate. The Rape and Abuse Crisis Center (RACC) is a confidential advocate, meaning they don't have to share the information a victim gives them with law enforcement. DiPalma lets victims know before a needs assessment that, if she is provided with additional information, that is not confidential
- DiPalma provide the 2024 statistics by quarter (quarters 1 through 3)
 - A contact in this context is someone DiPalma has called and spoke with on the phone.
 - A case in this context is when someone wants to take up the offer for resources
- Contacts go up in the warmer months, which is in line with national statistics
- Vice Chair Thomas asked, based on statistics, is ethnicity tracked? DiPalma said it is tracked, along with a lot of other data, including sex, ethnicity, age, whether or not there was an arrest, and whether or not the State's Attorney's Office declined the criminal case.
- Member Johnson asked if, as numbers go up, will the role be too much for one person. DiPalma answered that the hope is to grow the department over maybe the next ten years.
- Member Hogenson asked for clarification on the contacts vs. new cases on the statistics presented. DiPalma clarified the number of contacts is the number of victims contacted who wanted to take resources/referrals, and the number of new cases is the number of people who needed ongoing resources and support.
- Member Hogenson asked if the number of new incidents of domestic violence vs. chronic/repeat incidents is tracked. DiPalma answered that there are people that are stuck in a domestic violence cycle. Since those are tracked, those individuals can be flagged and DiPalma can work even closer with Rape and Abuse and the Victim Witness Coordinators. Needs assessments are still done for each call, no matter how many contacts there have been, since those needs are continually changing. Member Hogenson asked if, when it's repeated, there's a pattern where the individual does not want help vs. accepting the resources being offered. DiPalma said it's very case by case, there are a lot of factors at play. It's possible that meeting one need won't mitigate others. Member Hogenson asked what would DiPalma say are some of the top areas where there could be more resources available. DiPalma answered there could be an infinite amount of resources and eventually more would be needed. There are resources through the state funded by the federal government. RACC has a phone bank, but that runs out pretty quickly. Having a local victim assistance fund would be beneficial and is a goal.
- Member King asked if DiPalma thinks the order for protection that is issued is a strong enough deterrent in a domestic violence case. DiPalma answered that if an order for protection (OFP) is violated a number of times, it does get bumped up to a felony. Some offenders will follow the order, and others will consider it just a piece of paper and will continually violate an OFP. It depends on the situation.
- Member Paul asked about Jordan DiPalma's background. She has a Masters in Counselling. She worked at NDSU from 2018 to 2023 in the Office of Student Activities, primarily with sorority and fraternity life, also worked with the advocate at NDSU to get a sexual assault response team up and running at NDSU. Member Paul asked what is the biggest take away from the first year? DiPalma said the biggest learning curve has been learning law enforcement

lingo and culture, and she hopes to continue translating her skillset into something that makes sense to officers. Member Paul asked if she's found the working relationship has been a positive one. She said it has been, though there are different policies and procedures that have to be followed, which can cause butting heads.

- Chief Zibolski asked DiPalma to speak about lethality assessments. DiPalma explained this is something that is done when an officer responds to a domestic call. They are currently being done by the Victim Services Specialist when there are three or more calls for between the same individuals within a year. It was developed by a nurse, and is a visual way for victims to see how dangerous the situation is for them, and also a way for officers to see patterns and have the background. The goal is to eventually have the State's Attorney and judges see them to be able to see patterns of behavior for repeat offenders.
- Member Johnson asked if there is certain training that the FPD is missing for responding to domestic calls. DiPalma doesn't think there is training missing. She was able to go to the last academy and speak about what might be going through a victim's mind both at the time of the call and afterwards that might lead to them only providing information after that initial investigation.
- Member Paul asked what the scale is for a lethality assessment. DiPalma said there are 20 questions and three boxes that, if checked, will either add or remove two points. A "perfect" score is 23, meaning very high-risk. Member Paul asked if a higher score influences a protection order or if it's visible to officers. DiPalma answered it will be visible to officers, the hope is to eventually have them visible for protection order hearings. Member Paul asked if there's a barrier to them being viewed in Cass County. DiPalma answered it's just fallen out of practice of the judges.

Item 7. CRI-TAC Presentation – Captain Chris Helmick

- CRI-TAC is the Collaborative Reform Initiative-Technical Assistance Center
 - Part of the Community Oriented Police Services (COPS) Office at the US Department of Justice
 - Provides tailored technical assistance to law enforcement agencies on a wide variety of topics
 - Use subject matter experts (SMEs) to help provide assistance (chosen by CRI-TAC)
- Fargo PD Use of Force Policy Review
 - The objective is to ensure FPD policy is in line with accepted national practices and standards
 - There is a specific focus on use of force incidents involving vehicles
 - They were provided the current UOF policy (FPD 300) for the review
- The SME is Chief James MacGillis, Wauwatosa, WI Police Department
- Findings
 - Fargo PD policy contained the following prior to review:
 - Only use deadly force when officer has objectively reasonable belief that subject poses imminent danger or serious threat to the officer or other person
 - Prohibit choke-holds
 - Prevent use of deadly force to prevent escape UNLESS the suspect poses imminent danger of death or serious injury
 - Limitations on discharging firearms at vehicles
 - Duty to intercede and report if another officer is using excessive force
 - Requirement to render medical aid
 - Recommended changes
 - Use gender-neutral wording in policy instead of "he/she"
 - Wording- use "generate" instead of "increase" voluntary compliance
 - Add wording to 300.4.1 –moving vehicles
 - Add wording about a vehicle presenting "imminent threat of death or serious bodily injury"
 - Add wording about discharging firearms at a moving vehicle when an officer reasonably believes "the vehicle is being operated in a manner that threatens to cause imminent death or serious bodily injury to the officer or others"

- Additional wording about the ineffectiveness of shooting at a vehicle to disable it
- Minor wording change about providing medical care “up to the level of officer training”
- Change training requirement to “annual” instead of “periodic”
- Actions Taken
 - Policy changes were made based on conclusions of CRI-TAC (revised policy was published on October 1st, 2024)
 - The revised policy is available on the police website. (Chief Zibolski checked and the updated policy is not on the website at the time, he will work on getting it updated tomorrow)

Item 8. Presentation Questions

- Vice Chair Thomas asked about if when a policy is put out, is there additional training in addition to the officer being mandated to read and understand it. Captain Helmick answered the policy is pushed out about a week before the policy takes effect. Whether or not training is done depends on how extensive the changes are.
- Member Johnson asked for clarification if Lexipol is always updating to best practice and standards and if the FPD keeps up to Lexipol standards in department training. Chief Zibolski confirmed that is correct.
- Member Paul asked what’s the next policy to go through this process. Chief Zibolski said CRI-TAC is servicing all agencies in the US, so they aren’t going to be able to review every policy. Member Paul asked if any requests are being made at this point. Chief Zibolski said not at this time.
- Member Hogenson asked what critical incidents were analyzed. Captain Helmick answered specific incidents weren’t really looked at, it was more looking at what the current policy was and what the best standards are. They asked about specific incidents, but they were mostly looking at policy. Chief Zibolski added that the critical incident response review still underway is looking at specific incidents. Member Johnson asked for clarification on what the critical incident response review is looking at. Chief Zibolski answered that they will look at response, training, and will provide any recommendations relative to that. Member Hogenson asked if looking at those specific incidents can result in policy changes, as well. Chief Zibolski said that it is possible. Captain Helmick added that the review is very extensive; they are looking at a wide variety of things and how that might tie into incident response.
- Member Paul asked if it would have been a duplication of effort to review specific incidents in the Use of Force review. Captain Helmick said that there were actually efforts made to reduce overlap.

Chief Zibolski asked if there are any days other than Friday that should be eliminated for the poll for another Brown Bag Meeting.

Item 9. Adjourn

The time at adjournment was 5:59 p.m.