



CITY OF FARGO POLICE DEPARTMENT



Chief David B. Zibolski

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January 26, 2021

Representative Klemin, Chair
North Dakota House Judiciary Committee
Bismarck, ND

RE: HB 1287

Dear Chairman Klemin and members of the Committee,

My name is David Zibolski and I am the newly appointed Chief of Police in Fargo. I am a 36-year law enforcement professional, having worked in various ranks within the Milwaukee Police Department, Deputy Administrator with the Wisconsin Department of Justice, and served as chief in two departments—Beloit, WI and now Fargo.

I testify before you today in strong support of HB 1287 with suggested language revisions submitted by the Cass County State Attorney's Office to safeguard the Good Samaritan Immunity provision. In the City of Fargo, our overdoses have increased dramatically from 2019 (36) to 2020 (91) and have been on an upward trend since 2018 (30). Most disconcerting is the rapid increase in fatal overdoses, from 11 in 2019 to 18 in 2020. As of January 25, 2021, we have experienced nine (9) overdoses with two (2) fatalities. Toxicology data from the fatal cases show a variety of poly-drug mixtures involving Fentanyl and other drugs.

I have learned from our narcotics investigators that in some of the fatal overdose cases they have identified the same person or persons to be involved in the delivery of narcotics that have caused a fatal overdose in our community. These individuals are not the addict-to-addict dealers, but in fact are insidious criminals who deliver a variety of narcotic mixtures, regardless of its fatal potency or components, for the sole purpose of criminal enterprise. They are not using and then calling EMS after a fatal overdose, they are delivering dangerous narcotics to further their criminal gains and simply walking away.

Unfortunately, this crime does not have a penalty enhancer, so a trafficker faces no additional penalty for causing a fatal overdose than they do for merely delivering a narcotic to a user. This is a critical gap in criminal accountability, as well as an oversight in safeguarding legitimate victims of these treacherous crimes.

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INVESTIGATIONS
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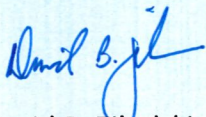
NON EMERGENCY
Phone: 701-235-4493

Currently, law enforcement in North Dakota has no ability to hold these individuals responsible in a meaningful way. Federal cases offer an enhanced penalty, but are few and far between and in most cases venue cannot be established for such a case. Just as in other crimes (armed robbery, burglary, etc.) in which the victim is killed as a result, trafficking narcotics that cause an overdose should expose the offender to an enhanced Class A Felony.

This bill with submitted revisions, does not seek to diminish in any way the previously legislated immunity provisions for those who are using together and an overdose occurs and the person calls EMS and remains on scene to cooperate with authorities. I support this provision, but seek an enhanced penalty for hard-core criminals who are killing our community members and adversely affecting our families. The final decision in terms of prosecution will rest with State Attorney's, which will ensure appropriate application of the enhanced penalty without compromising Good Samaritan safeguards. On January 25, 2021, the Fargo City Commission endorsed this bill with the referenced language revisions.

Thank you for the opportunity to testify before you today. I am happy to answer any questions you may have. I have also attached Fargo Police Department overdose data for 2016-2020 for reference.

Sincerely,

A handwritten signature in blue ink, appearing to read "David B. Zibolski".

David B. Zibolski
Chief of Police

City of Fargo

dzibolski@fargond.gov

701-241-1401



Fargo Police Department

To: Chief David Zibolski

From: Sgt. Matt Christensen *MDC*
Narcotics Unit

Date: January 19th, 2021

Re: Overdoses – December 2020

From December 1st, 2020 to December 31st, 2020 there were a total of 14 non-fatal overdoses and 5 fatal overdoses. From January 1st, 2020 to December 31st, 2020 there have been a total of 73 non-fatal overdoses and 18 fatal overdoses reported in the city of Fargo, ND.

2016-2020 FARGO OVERDOSE COMPARISON

	2016		2017		2018		2019		2020	
	2016 Non-Fatal	2016 Fatal	2017 Non-Fatal	2017 Fatal	2018 Non-Fatal	2018 Fatal	2019 Non-Fatal	2019 Fatal	2020 Non-Fatal	2020 Fatal
January	0	1	2	0	1	2	1	0	1	1
February	1	0	1	2	0	0	1	1	3	2
March	6	3	2	0	0	0	1	2	3	0
April	6	2	4	4	1	1	2	0	5	1
May	7	0	2	1	0	0	3	1	6	4
June	2	1	2	1	1	1	5	1	4	1
July	7	0	0	3	1	1	3	1	14	0
August	4	0	0	2	5	2	2	0	8	1
September	3	1	2	2	3	0	2	0	6	2
October	5	1	4	2	2	1	0	2	3	1
November	7	4	0	3	3	1	1	1	6	0
December	7	2	2	0	2	2	4	2	14	5
Totals	55	15	21	20	19	11	25	11	73	18

RECEIVED 1/19/21
LT. MAT SANDERS *MS*

Received 1/19/21
De Anderson *AM*
Ref: Chief Zibolski