THE CITY OF Fargo FAR MORE

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North Dakota Senate
Transportation Committee
Representative Ruby, Chair

RE: Testimony and Support of Senate Bill 2348

Dear Chair and Members of the North Dakota House of Representatives Transportation Committee,

My name is David Zibolski. I am a 38-year law enforcement professional and Chief of Police for the Fargo Police Department. Prior to taking the position as chief in Fargo, I served in both state and local law enforcement agencies in the state of Wisconsin.

I offer my testimony to you today in strong support for Senate Bill 2348 as amended. This bill addresses a dangerous and growing public safety concern not only in the city of Fargo, but all over North Dakota -- fleeing from an officer. As you are aware, fleeing in a vehicle from a law enforcement officer who is attempting to stop a traffic or other criminal violator is a crime. However, under current law unless an officer engages in a pursuit and apprehends the offender, they have little prospect of identifying them and making an arrest. The policing profession recognizes that engaging in pursuits, especially high-speed pursuits that may go through populated areas or encounter unwitting motorists, is of great danger to the public. In deference to that public safety concern, law enforcement agencies including Fargo PD, do not initiate pursuits for traffic or other minor criminal violations. Unfortunately, this has led an exponential increase in vehicles that flee during traffic stops. In Fargo, we have seen a steady increase since 2016, which was further exacerbated during the Covid years of 2020 and 2021 and continue to present day.

For context, I have provided the Committee with our 2022 end of year fleeing in motor vehicle report. Our Intelligence & Analysis Unit, who also gathers data from other law enforcement colleagues, including West Fargo and Grand Forks PD, tracks this data. As you can see, in 2022 alone 230 vehicles fled Fargo Police Department officers during traffic stops. Most folks may think that a majority of these vehicles are probably stolen. However, the reverse is actually true. Of the 230 cars that fled from our officers in 2022, 178 (77%) are not stolen. Further, in almost all cases and as a result of our in-car camera technology, we have the license plate number and know who the registered owner of the vehicle is. In spite of that statistic, an overwhelming 59% of those fleeing cases go unprosecuted because law enforcement has no tools to assist in identifying the driver of the fleeing vehicle. Senate Bill 2348 provides that very important tool.

Senate Bill 2348 is authored similar to existing law in the state of Wisconsin. It provides the presumption that the registered owner is the driver, but gives law enforcement an important tool that we currently do not have. The incentive for that owner to provide the driver information to our officers so that we may properly pursue fleeing charges with our prosecutor. The legal tool is relatively simple. The registered owner has the opportunity to identify to the officer who the driver was and provide whatever other identifying information they may know about that person. The officer can then conduct the rest of their investigation and forward the case to the prosecutors and/or locate and make an arrest. Should the owner decide not to cooperate in identifying the driver, they face the prospect of a $500 non-criminal offense. Similar to Wisconsin, the bill contemplates certain circumstances such as the vehicle is stolen, is leased, or is taken from a dealership, and provides sufficient statutory protections so that unwitting owners are provided the same opportunity to provide the information.

There is likely a variety of reasons why the 178 non-stolen vehicles fled from our officers in 2022. Regardless, as these vehicles flee they often create traffic safety concerns, become involved in hit and run accidents, and otherwise unnecessarily endanger the motoring public. It is equally likely that some of the persons who fled were involved in other criminal activity that our officers simply were unaware of at the time of the stop. The lack of a viable tool for law enforcement to identify these drivers not only incentivizes additional fleeing, but likely also negates our ability to solve other crimes. Our officers conducted 7,190 traffic stops in 2022. The 230 fleeing vehicles represent a ratio of one fleeing vehicle per every 31 traffic stops. This is an egregiously high number and continues to get worse. Senate Bill 2348 will provide law enforcement with an important tool to appropriately follow-up, investigate, identify and arrest those persons who choose to flee from traffic stops.

I thank you for the opportunity to testify before you today and strongly encourage you to motion Senate Bill 2348 as amended as a “do pass.”

Respectfully,

David B. Zibolski
Chief of Police