

SUPPLEMENTARY REPORT

Detective J. Voxland #329

LOCATION: **S.G. Reinertsen Elementary School** **GRID/BEAT #: 41**
1201 – 40th Avenue South

SYNOPSIS: Trespassing: Mellaney Moore's Video Footage
Reinertsen School Visit
Reinertsen School Video Surveillance
Information from Anne Moyano
Attempt to Interview Mellaney Moore
West Fargo Police History
Conclusion

OFFENSE(S): Trespassing (MS), 609.605.4(a)

SUSPECT: **Mellaney Victoria Moore,** [REDACTED]
1431 Oak Manor Avenue South, #209
Fargo, ND 58103

MENTIONED: **Kathy Martinez**
Front Desk Secretary at Reinertsen School
[REDACTED]

Anne Moyano
Principle at Reinertsen School
[REDACTED]

Ike Walker
KVLV News Director
[REDACTED]

PRIMARY OFFICER: Detective J. Voxland, #329

DETAILS:

1. On 12/12/13, I (Detective Voxland) was assigned to investigate a trespassing incident that occurred at S.G. Reinertsen Elementary School on 12/11/13. I was informed that a KVLV news reporter (Mellaney Moore) had aired a news report in which she was evaluating the security of area elementary schools. Moore entered Reinertsen School as well as schools in West Fargo and Fargo. Moore carried with her a concealed video camera which she used to surreptitiously record her observations. I was informed that Moore did not notify Reinertsen School of her intentions prior to her arrival and did not make contact with the office at the school after she arrived as required by Minnesota Statute.

Mellaney Moore's Video Footage

2. I visited the KVLV website and viewed Moore's written and recorded news report (Posted on 12/11/13). According to the date/timestamp on her video recording, Moore entered through Door #1 at Reinertsen on 12/11/13 at approximately 1348 hours. Moore verbally acknowledges that she entered the school and walked through the library and saw common areas and classrooms. The video footage shown on the news depicts several children as they

are walking through the halls and in common areas. Children were also shown in their classrooms through windows in closed doors.

3. When I reviewed the video footage I could see that Moore entered the building through Door #1 and walked past the front desk. I was able to see a staff member seated at the front desk adjacent to this door. Moore walked past the front desk and staff member without registering her presence at the school.
4. At the end of the broadcast, Moore said that she does not have children of her own. This statement implies that she does not have children who attend this school.

Reinertsen School Visit

5. On 12/12/13 at approximately 1330 hours, I arrived at Reinertsen School. I observed two (2) "Notice" signs posted on the glass of Door #1. The signs are positioned at eye level and are approximately the size of a standard piece of paper. The signs are red and white with black lettering. These signs are not obstructed and are not posted near other signs that would be distracting to visitors. The posted signs state:
 - NOTICE
ALL PARENTS AND VISITORS
MUST USE DOOR #1 AND REGISTER WITH THE OFFICE
PURSUANT TO MN STATE STATUTE 609.605
6. These signs were visible in the video footage recorded by Moore as she was entering these doors on 12/11/13.
7. Upon entering Reinertsen School, I observed a large sign on the wall above the threshold leading from the lobby area into the school. This sign reads, "PARENTS AND VISITORS *MUST* SIGN IN AT THE MAIN OFFICE TO PROCEED BEYOND THIS POINT".
8. I took digital photographs of the Notice outside the school as well as the sign in the lobby of the school.
9. The front desk at Reinertsen is located immediately to the left as I walked into the lobby area of the building. Upon entering the lobby, the front desk is within a few feet of the main doors.
10. When I entered Reinertsen, I spoke with Kathy Martinez who was sitting at the front desk located inside the main entry. Martinez told me that she saw Moore's video recording on the news and saw herself sitting at her desk. She told me that she does not recall Moore entering the building and does not know how she got into the building without seeing her (Moore).

Reinertsen School Video Surveillance

11. On 12/12/13, I received a copy of the video surveillance at Reinertsen School between the time that Moore was entering and exiting the school. The video surveillance was entered into evidence.
12. According to the surveillance video, Moore enters the school at approximately 1343 hours. This timestamp is consistent with the timestamp on Moore's video recording. As Moore is entering the building, Martinez is seen sitting at her desk looking at her computer screen. At the same time, a staff member is approaching the front desk. Martinez turns around to talk with this staff member as Moore is walking past. It appears as though Martinez is distracted by the staff member at the same time that Moore enters the building and walks past the front desk.
13. As Moore is opening the interior door to the building, she appears to look towards the front

desk. As she is crossing the threshold into the lobby area, she looks away from the front desk and puts her left hand to her head and face. It is unknown if Moore is intentionally trying to obstruct her face or if she is adjusting her hair. She walks at an angle away from the front desk and continues down the hall away from the lobby. Moore does not appear to slow down, walk towards, or look towards the front desk. Moore does not appear to make any attempt to acknowledge the staff members at the front desk.

14. Based on Moore's video recording and the school's video surveillance, it appears that her concealed camera is located in her purse.
15. The surveillance video depicts Moore walking through the halls of the school. She occasionally stops and appears to adjust the positioning of her purse as if she is directing the camera towards different areas. Moore is not seen entering any classrooms or talking to any children or adults.
16. Moore exits the building through Door #1 at approximately 1347 hours. Based on the timestamps of this video recording, Moore was in the school for approximately four (4) minutes.
17. Moore enters and exits the school alone. I was unable to see anyone else that may have arrived with her based on the surveillance camera views.

Information from Ann Moyano

18. I spoke with the Principle at Reinertsen School, Ann Moyano, regarding this incident. To assist in satisfying the requirements of the trespassing statute (609.605.4), Moyano told me:
 - a. Moore is not the parent of a student at Reinertsen School nor is she a staff member or employee.
 - b. Moore did not have permission from a school official to enter the building.
 - c. There were no public events, classes, or meetings occurring on 12/11/13 to which Moore could have been invited or would have been able to attend.
 - d. Moore did not report her presence in the school building in the manner required for visitors.

Attempts to Interview Mellaney Moore

19. On 12/12/13 at approximately 1410 hours, I called KVLV in attempts at speaking with Moore about this incident. Moore was not available so I left a voicemail identifying myself as a Moorhead Police detective and requested that she contact me about this incident.
20. On 12/12/13 at approximately 1540 hours, I received a phone call from Ike Walker (Valley News Live/KVLV News Director). Walker told me that I was on speaker phone and that Moore was also present. I told them that I wanted to meet with Moore and talk with her about being in Reinertsen School without permission. I was told that Moore is working on a news story and would not be able to talk with me today because of a deadline. I asked if Moore could meet with me at the Law Enforcement Center on 12/13/13. I was told they would call me back later.
21. Walker asked me "where this is going". I told him that I have been assigned to investigate this incident as a potential trespassing incident. Walker told me that "nobody did anything willingly". He also said that nobody did anything "knowingly or maliciously".
22. Walker said he is curious why I am the first person from Moorhead to call him back about this news story. He said that he has not received a response from the school district despite

requests to talk with them. I told Walker that I could not comment on behalf of the school district. I told him that the school district was concerned enough to file a complaint related to this incident. It should be noted that, at the time of this conversation with Walker, I had understood that the Moorhead School District had reported the trespassing incident to the Moorhead Police Department. I was later informed that the Moorhead School District had not filed a complaint; rather, this was an investigation initiated by the Moorhead Police Department after it became known that Moore appeared to have violated Minnesota trespassing laws.

23. On 12/12/13 at approximately 1330 hours, I received a phone call from Walker. He told me that Moore would agree to an interview but that I needed to understand that KVLV news camera would be present during the interview. I told Walker that this request was unacceptable and that this investigation and interview would not be conducted in this manner. I further told him that if this was an ultimatum, then we would not be conducting an interview with Moore based on those terms. Walker told me that he would discuss this further and call me back.
24. 12/12/13 at approximately 1915 hours, I returned a phone call to Walker. Walker had requested a phone interview with him and Moore on 12/13/13 at 1000 hours. I left a voicemail for Walker that explained I would not be able to talk with Moore at that time and requested he call me back.
25. 12/13/13 at approximately 0835 hours, I spoke with Walker by telephone. I told Walker that I did not want to conduct a phone interview with Moore because of perceived difficulties. I requested that we wait until next week to ensure adequate time to meet about this investigation. Walker told me that he would contact me on Monday morning (12/16/13) to discuss possibilities for this interview. On 12/16/13, I did not receive a call from Walker or Moore.
26. On 12/16/13 at approximately 1500 hours, I called KVLV and requested to speak with Moore. I was transferred to Moore and was able to speak with her. I identified myself to Moore and requested that she meet with me to discuss this incident. I told Moore that I was no longer interested in including Walker in this process. Moore told me that she would call me back after checking her schedule to see if tomorrow (12/17/13) would work to meet. I asked Moore for her address for the case file. She provided her street address but was unwilling to give her apartment number. I explained that her address would be needed in the event that court papers would be mailed to her rather than a warrant issued for her arrest. She told me that she would call me back with the rest of her address information. West Fargo Police Detective Runcron was able to verify her address; including her apartment number.
27. On 12/16/13 at approximately 1810 hours, I received a voicemail from Moore. She told me that she had a conflict during the morning hours of 12/17/13, but would call me later with a time that would work for an interview.
28. On 12/18/13, I learned that Moore had retained an attorney (Vogel Law Firm-Lisa Borgen). I spoke with Borgen by telephone and was told that Moore was advised to not speak with Law Enforcement about this matter. Borgen told me that Moore was directed by KVLV to conduct this news report. It is not known how much direction Moore was given in conducting this news story or if the planning and method of conducting this report was her idea. The use of a concealed camera to video record her entry into the school is similar to a Today Show investigative report that Moore's report was modeled after.

West Fargo Police History

29. I have spoken with West Fargo Police Detective Tim Runcorn about this incident. Detective Runcorn was assigned to investigate Moore's unlawful entry into a West Fargo Elementary School that is related to this incident (13-19957). Detective Runcorn told me that Moore has a history of entering schools in West Fargo in the past. During a past incident it was made clear

to Moore that it was unlawful to enter a school without permission. This incident was related to a news story in which a West Fargo coach was involved in an internal school investigation. The previous report involving Moore entering a West Fargo school is not yet available.

Conclusion

30. This report will be forwarded to the Clay County Attorney's Office for consideration of charges. According to Minnesota State Statute, it appears that Moore violated the elements of Trespassing when she knowingly entered Reinertsen Elementary School without permission.

DESCRIPTION AND CUSTODY OF EVIDENCE:

01: CD-Moore's Video from KVLY
02: DVD-Reinertsen Surveillance

DIGITAL PHOTOGRAPHS:

Photos_Reinertsen

ATTACHMENTS:

Moore – Outside Camera, Entering Reinertsen
Moore – Inside Camera, Entering 1
Moore – Inside Camera, Entering 2
Moore – Inside Camera, Past Desk
Moore – Inside Camera, Exiting Reinertsen
Reinertsen Map, Moore's Route
KVLY News Story Posted on 12/11/13
KVLY News Story Posted on 12/12/13
KVLY Open Letter Posted on 12/15/13
KVLY News Story Posted on 12/16/13
Screen Shots Moore's Video Recording

STATUS: Sent to Prosecutor

DATE DICTATED/TYPED: 12/19/13 jrv.

REVIEWING SUPERVISOR:

DATE:

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02: DVD-Reinertsen Surveillance

DIGITAL PHOTOGRAPHS:

Photos_Reinertsen

ATTACHMENTS:

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Moore – Inside Camera, Entering 1
Moore – Inside Camera, Entering 2
Moore – Inside Camera, Past Desk
Moore – Inside Camera, Exiting Reinertsen
Reinertsen Map, Moore's Route
KVLY News Story Posted on 12/11/13
KVLY News Story Posted on 12/12/13
KVLY Open Letter Posted on 12/15/13
KVLY News Story Posted on 12/16/13
Screen Shots Moore's Video Recording

STATUS: Sent to Prosecutor

DATE DICTATED/TYPED: 12/19/13 jrv.

REVIEWING SUPERVISOR:

DATE:

David Ebinger

From: Arland H. Rasmussen <Arland.Rasmussen@westfargond.gov>
Sent: Friday, December 13, 2013 10:32 AM
To: Keith Ternes; David Ebinger
Subject: RE: KVLV Media

Yes, absolutely
Arland

Arland H. Rasmussen, Chief of Police
West Fargo Police Department
800 4th Avenue East, Suite 2
West Fargo, ND 58078
701-433-5500 phone
701-433-5508 fax
Arland.Rasmussen@westfargond.gov
Graduate of 169th Session of National FBI Academy

-----Original Message-----

From: Keith Ternes [mailto:KTernes@cityoffargo.com]
Sent: Friday, December 13, 2013 9:58 AM
To: David Ebinger
Cc: Arland H. Rasmussen
Subject: Re: KVLV Media

Works for me.

Sent from my iPhone

> On Dec 13, 2013, at 9:52 AM, "David Ebinger" <david.ebinger@moorheadpolice.com> wrote:

>

> Paul Laney and his people are getting a lot of media requests on this (so far they have not responded). Thoughts on getting Paul in on the conversation so we all stay on message?

>

> David Ebinger, Chief of Police
> Moorhead Police Department
> 915 9th Avenue North
> Moorhead, Minnesota 56561

>

> Office:(218) 299-5123
> FAX: (218) 299-5185

>

> -----Original Message-----

> From: David Ebinger
> Sent: Thursday, December 12, 2013 6:26 PM
> To: kternes@cityoffargo.com; arland.rasmussen@westfargond.gov
> Subject: Re: KVLV Media

>

>
> See you there.
>
> Sent from my HTC on the Now Network from Sprint!
>
>
>
> ----- Reply message -----
> From: "Keith Ternes" <KTernes@cityoffargo.com>
> Date: Thu, Dec 12, 2013 4:32 pm
> Subject: KVLV Media
> To: "Arland H. Rasmussen" <Arland.Rasmussen@westfargond.gov>
> Cc: "David Ebinger" <david.ebinger@moorheadpolice.com>
>
> King House Monday at 11:45 it is. We'll see you then.
>
> Sent from my iPhone
>
>> On Dec 12, 2013, at 5:31 PM, "Arland H. Rasmussen" <Arland.Rasmussen@westfargond.gov> wrote:
>>
>> Monday over lunch. I don't care where.
>> I just think we need to do this as early as possible next week.
>>
>> Arland
>>
>>
>>
>>> On Dec 12, 2013, at 4:24 PM, "Keith Ternes" <KTernes@cityoffargo.com> wrote:
>>>
>>> Early Monday afternoon between 1 and 3 pm would work for me or either day over lunch. Except for the noon hour, Tuesdays bad for me.
>>>
>>> Sent from my iPhone
>>>
>>>> On Dec 12, 2013, at 5:17 PM, "Arland H. Rasmussen" <Arland.Rasmussen@westfargond.gov> wrote:
>>>>
>>>> Keith and David, I need to do some interviews for new officers as soon as possible but right now Monday looks good until 3 PM when I had an admin meeting. Tuesday looks good except for the 1 o'clock Salvation Army press conference.
>>>> Sent from my iPhone.
>>>> Have a GREAT day!
>>>> Arland
>>>>
>>>>> On Dec 12, 2013, at 4:06 PM, "David Ebinger" <david.ebinger@moorheadpolice.com> wrote:
>>>>>
>>>>> Keith and Arland:
>>>>>
>>>>> I'm open both days except for the Salvation Army press conference Tuesday.
>>>>>
>>>>> David Ebinger, Chief of Police
>>>>> Moorhead Police Department
>>>>> 915 9th Avenue North

>>>> Moorhead, Minnesota 56561

>>>>

>>>> Office:(218) 299-5123

>>>> FAX: (218) 299-5185

>>>>

>>>>

>>>> -----Original Message-----

>>>> From: Keith Ternes [mailto:KTernes@cityoffargo.com]

>>>> Sent: Thursday, December 12, 2013 4:03 PM

>>>> To: Arland Rasmussen; David Ebinger

>>>> Subject: Fwd: KVLV Media

>>>>

>>>> Arland and Dave,

>>>>

>>>> I'm currently out of town and won't be back in the office until Monday. If you'd like to get together sometime early next week to discuss this and how we might collectively approach it, I'm happy to visit about it. If we need to visit sooner than that, I can be available by telephone.

>>>>

>>>> My initial thought is to not give this news story and it's generators any more attention then it or they deserve. That's not to suggest that we do nothing, but I'm not interested in handing them another story that simply makes us look spiteful. I have some other perspectives I'll share with you if and when we visit.

>>>>

>>>> Keith

>>>>

>>>> Sent from my iPhone

>>>>

>>>> Begin forwarded message:

>>>>

>>>> From: "Arland H. Rasmussen"

>>>> <Arland.Rasmussen@westfargond.gov<mailto:Arland.Rasmussen@westfarg

>>>> o

>>>> nd.gov>>

>>>> Date: December 12, 2013 at 4:43:34 PM EST

>>>> To: "David Ebinger

>>>> (david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpol

>>>> i

>>>> ce.com>)"

>>>> <david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpol

>>>> i

>>>> ce.com>>, "David Todd

>>>> (dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>)"

>>>> <dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>>, "Paul Laney

>>>> (LaneyP@casscountynynd.gov<mailto:LaneyP@casscountynynd.gov>)"

>>>> <LaneyP@casscountynynd.gov<mailto:LaneyP@casscountynynd.gov>>, "Keith

>>>> Ternes Katernes@ci.fargo.com<mailto:Katernes@ci.fargo.com>"

>>>> <Katernes@ci.fargo.nd.us<mailto:Katernes@ci.fargo.nd.us>>

>>>> Cc: "Michael D. Reitan"

>>>> <Michael.Reitan@westfargond.gov<mailto:Michael.Reitan@westfargond.

>>>> g

>>>> ov>>, "Duane C. Sall"

>>>> <Duane.Sall@westfargond.gov<mailto:Duane.Sall@westfargond.gov>>,

>>>> "Greg C. Warren"

>>>> <Greg.Warren@westfargond.gov<mailto:Greg.Warren@westfargond.gov>>

>>>> Subject: KVLV Media

>>>>

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>>>> Sent: Thursday, December 12, 2013 3:08 PM

>>>> To: Arland H. Rasmussen

>>>> Cc: Kenschak, Heather

>>>> Subject: RE: Media

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>>>> [WFPS_Logo_Horiz_Color]

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>>>> Arland H. Rasmussen, Chief of Police West Fargo Police Department

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>>>> Graduate of 169th Session of National FBI Academy

>>>> [email_footer][COY-West Fargo 13]

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David Ebinger

From: Arland H. Rasmussen <Arland.Rasmussen@westfargond.gov>
Sent: Thursday, December 12, 2013 4:56 PM
To: Keith Ternes
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>>>> David Ebinger, Chief of Police
>>>> Moorhead Police Department
>>>> 915 9th Avenue North
>>>> Moorhead, Minnesota 56561

>>>>
>>>> Office:(218) 299-5123
>>>> FAX: (218) 299-5185

>>>>
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>>>> Sent: Thursday, December 12, 2013 4:03 PM
>>>> To: Arland Rasmussen; David Ebinger
>>>> Subject: Fwd: KVLV Media

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>>>> Date: December 12, 2013 at 4:43:34 PM EST

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>>>> (david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>)"

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>>>> Ternes Katernes@ci.fargo.com<mailto:Katernes@ci.fargo.com>"

>>>> <Katernes@ci.fargo.nd.us<mailto:Katernes@ci.fargo.nd.us>>
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David Ebinger

From: Arland H. Rasmussen <Arland.Rasmussen@westfargond.gov>
Sent: Thursday, December 12, 2013 5:42 PM
To: Keith Ternes; David Ebinger; Paul Laney
Subject: KVLY - Trespass
Attachments: image003.jpg

Dave & Keith,
Read below, regarding West Fargo Ordinance.
Sent from my iPhone.
Have a GREAT day!

Subject: Trespass

12-0705. REGISTRATION IN PUBLIC SCHOOLS. During such time as regularly scheduled classes are in session, no person shall enter or remain in any public elementary or secondary school building within the City of West Fargo without first registering in the main office of said school; provided, however, this section shall not apply to members of the School Board of the West Fargo School District, faculty and employees of the West Fargo School District, and students enrolled in that school.

Reasonable notification of the requirements of this section shall be conspicuously posted at the entrance to every public elementary and secondary school within the City of West Fargo, and no complaint for a violation of this section shall issue unless such notice is given.

Lieutenant Duane Sall
West Fargo Police Department
800 4th Ave East Suite 2
West Fargo, ND 58078
Phone 701-433-5500
Fax 701-433-5508
FBINA 239
[city of the year small]

[cid:97E0800A-3780-41A4-97F4-C1B51234D72A]

David Ebinger

From: Brian Melton <Brian.Melton@co.clay.mn.us>
Sent: Wednesday, January 22, 2014 4:13 PM
To: David Ebinger; Shannon Monroe
Subject: Final Settlement KVLY - Moorhead Schools
Attachments: Final Settlement KVLY - Moorhead Schools.doc

Categories: Red Category

Gentlemen,

I, along with Lynn Kovash, decided ultimately not to charge Mellaney Moore with KVLY with Trespassing. Attached is a settlement agreement that all parties are going to sign regarding the case. Like I mentioned to Chief on a couple of occasions, I have spent more time thinking about this misdemeanor than on some felonies and it's time to get this thing put to bed. It is an important issue because I don't like the way KVLY does business or the fact that they sent their reporter out to break the law, with that said, I don't think we gain anything at this point by going after her when it is largely her bosses who are at fault. What you'll see from the attached agreement is that Mellaney Moore can't go into the schools for 90 days and if she was to get any other trespassing charges within the next year, then her current case would again be ripe for prosecution. All parties are also agreeing that they won't talk further to the press about the case. Fargo and West Fargo are signing similar agreements.

There had been discussion about KVLY issuing an apology. Fargo and West Fargo ultimately requested that an apology not be issued and preferred the Final Settlement Agreement that says they won't talk to the press about it further and the press/KVLY won't talk about it further. In talking with Lynn, she is okay with the agreement as well. Part of this settlement includes Moorhead Schools, Lynn and her team, sitting down with KVLY and having a meeting to discuss issues. Lynn wanted the meeting, she does want to give Ike a piece of her mind. She definitely still has some issues with him and wants to give him her point of view. I do think she had some concerns, that she had expressed to me previously, that she didn't want Moorhead Schools looking vindictive or looking like they were the only ones that wanted a prosecution of Mellaney Moore and I would join in those issues and how Moorhead would be viewed, so I do think that this is a reasonable resolution.

I know you may not agree with this as a final resolution, but I appreciate your support. I would point out you are not part of any settlement that says you won't discuss it in the press or otherwise and you are obviously free to express your opinion on the matter as you see fit. We can meet at any time if you want to discuss the issue further. Thanks

Brian

David Ebinger

From: David Ebinger
Sent: Thursday, December 12, 2013 3:53 PM
To: Brian Melton
Subject: FW: KVLV Media

Brian,

FYI and for the record I indicated that we would do a full investigation to Chief Rasmussen, not that we were “interested in prosecuting”.

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

From: Arland H. Rasmussen [<mailto:Arland.Rasmussen@westfargond.gov>]
Sent: Thursday, December 12, 2013 3:44 PM
To: David Ebinger; David Todd (dtodd@cityoffargo.com); Paul Laney (LaneyP@casscountynd.gov); Keith Ternes Katernes@ci.fargo.com
Cc: Michael D. Reitan; Duane C. Sall; Greg C. Warren
Subject: KVLV Media

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From: David Ebinger
Sent: Friday, December 13, 2013 3:06 PM
To: Brian Melton
Subject: FW: School security story

Brian,

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Enjoy.

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Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
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From: Laney, Paul [<mailto:LaneyP@casscountynd.gov>]
Sent: Friday, December 13, 2013 2:42 PM
To: David Ebinger; Shannon Monroe; Arland H. Rasmussen; Michael D. Reitan; Burdick, Birch
Subject: FW: School security story

Gentleman.....we received this email from Lowell Wolff today. He addressed it to the Superintendent of Fargo Public Schools and included Sgt Morris in the email. I thought you should see it as well. Feel free to share it with your city/states attorney's as you see fit. I didn't have their email addresses in my system, so I was only able to include Birch.

We have had a number of conversations about this these past few days, trying to decide what is the best course of action regarding KVLV and their violation of the law. Lowell is one of the nation's experts on the matter of school safety and the man who was the original designer and the key component in our Unified School Response endeavor.

I believe his email speaks for itself.

Paul D. Laney
Sheriff
Cass County Government
(701) 241-5800
LaneyP@casscountynd.gov

From: Morris, Tara
Sent: Friday, December 13, 2013 2:09 PM
To: Laney, Paul
Subject: FW: School security story

Sent from my Windows Phone

From: [Lowell Wolff](#)
Sent: 12/13/2013 1:33 PM
To: [Jeff Schatz](#); [Jim Frueh](#)
Cc: [Keith Ternes](#); [David Todd](#); [Morris, Tara](#)
Subject: School security story

Hi Jeff,

I was doing a little woodworking and stopped to have lunch today. I opened the In-Forum and noticed the story on Mellany Moore's cruise through the schools. The story didn't tell you anything you didn't already know. CPTED audits and intruder exercises of a couple of years ago have made this vulnerability old news. Now the whole community knows of the vulnerability.

It won't come as a shock that I was disappointed in your response to not pursue charges because you were, "not sure what purpose it would serve." But failure to act serves many purposes and sends - perhaps unintended - negative messages.

- The public just heard you don't care enough about this to act. This is especially true when you have the security camera files to prove your case.

- The idea for this action reportedly came from an FPS employee. Apparently she has little trust in security measures in place. Not acting on what you do have in place diminishes the trust of all.

- The message on the door of every school building is pretty clear. If you don't pursue charges, you have effectively added on sentence to the sign, "Just Kidding!" If there comes a time to legitimately use that City Ordinance, the defense certainly has the argument that it is applied in an arbitrary and capricious manner. If I were a parent in the midst of a custody battle and considering a kid-grab, there is now one less deterrent for me to act.

- If you don't enforce a clearly posted city ordinance, it is reasonable to assume school rules won't be enforced either.

- I recently had lunch with David Flowers and he shared some of the tactics Hoake Communication reporters are using. It sounds like unprofessional, tabloid journalism. Failure to act sends the message that the media is above the law and it legitimizes their unprofessional tactics.

No need to respond to this, Jeff. I hope you will reconsider and pursue charges with the same amount of publicity given to yesterday's decision. This is an opportunity for all three districts to lock arms and make a statement much stronger than its misdemeanor status would suggest.

Sincerely,
Lowell

David Ebinger

From: David Ebinger
Sent: Thursday, December 12, 2013 3:50 PM
To: Brian Melton; Brad Penas (brad.penas@moorheadpolice.com); Joel Voxland; Tory Jacobson (tory.jacobson@moorheadpolice.com)
Subject: FW: Valley News Live School Security Story

FYI

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

From: Morris, Tara [<mailto:MorrisT@casscountynd.gov>]
Sent: Thursday, December 12, 2013 3:47 PM
To: kternes@cityoffargo.com; David Todd; David Ebinger; Shannon Monroe; arland.rasmussen@westfargond.gov; fruehj@fargo.k12.nd.us; Konschak, Heather; Mike Reitan (michael.reitan@westfargond.gov)
Cc: Laney, Paul; Majerus, Richard; Harmon, Michele
Subject: Valley News Live School Security Story

Hello All,

I just wanted to inform you of a discussion I had with Ike Walker from Valley News Live and the reporter that went into the area elementary schools yesterday. I am being hounded by them to give a statement as the Unified School Response Coordinator. I have made it clear to them that while I coordinate best practice efforts in this realm, I do not comment on the policies and procedures of the individual school districts and LE agencies. I have made it very clear they need to contact you directly to request a response to their story.

They are now, after our discussion, very well aware they violated City of Fargo ordinance 10-0320 and the statute covered by MN Century Code (and in my opinion student rights). However, they are still standing by what they did and currently Ike Walker and I are agreeing to disagree.

I am at your disposal for any assistance you may need.

Tara Morris

Sergeant
Cass County Sheriff's Office
211 9th Street South
Fargo, ND 58103
Desk: (701) 241-5829
Cell: (701) 429-8593
morrist@casscountynd.gov

Visit us on the Web!

www.casscountynd.gov/county/depts/sheriff

facebook

www.facebook.com/CassCountySO

David Ebinger

From: David Ebinger
Sent: Thursday, January 23, 2014 11:05 AM
To: 'Brian Melton'; Shannon Monroe
Cc: Kovash, Lynne
Subject: RE: Final Settlement KVLV - Moorhead Schools

Brian,

No problem, as we discussed before I see MPD's part in this as an impartial fact finder and the call is up to you and the School District. I just wanted you and Lynne to know that Department is committed to being part of the process once a decision was made and that we were not going to put anyone in the position of being the sole gatekeeper by insisting on a complaint prior to doing our job.

That being said I see the wisdom in this agreement. I am not sure anything would be accomplished by prosecuting a clueless dupe and providing KVLV with further attention to this sensationalize mess of a report. MS Moore was doing as she was told and I am sure there are plenty of others who would do the same if she had refused her orders for ethical reasons. The agreement in which KVLV agrees to obey the law in producing their stories in the future is probably more useful than any conviction we could have obtained in this matter. My biggest concern is that we lower the bar for ethical journalism in our region and that we place journalists who have standards at a competitive disadvantage in a competitive market.

I am pleased that Lynne and her staff will get an opportunity to express their thoughts to Mr. Walker. They are good people doing good work and they should not have been represented as they were in the KVLV report. I am sure he needs to hear how his treatment of this story was a disservice to the district and the public, I just hope the message isn't wasted on him.

Thanks for your efforts in this matter. As always I appreciate the scrutiny and response that all of our cases get from your office.

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

From: Brian Melton [<mailto:Brian.Melton@co.clay.mn.us>]
Sent: Wednesday, January 22, 2014 4:13 PM
To: David Ebinger; Shannon Monroe
Subject: Final Settlement KVLV - Moorhead Schools

Gentlemen,

I, along with Lynn Kovash, decided ultimately not to charge Mellaney Moore with KVLV with Trespassing. Attached is a settlement agreement that all parties are going to sign regarding the case. Like I mentioned to Chief on a couple of occasions, I have spent more time thinking about this misdemeanor than on some felonies and it's time to get this thing put to bed. It is an important issue because I don't like the way KVLV does business or the fact that they sent their

reporter out to break the law, with that said, I don't think we gain anything at this point by going after her when it is largely her bosses who are at fault. What you'll see from the attached agreement is that Mellaney Moore can't go into the schools for 90 days and if she was to get any other trespassing charges within the next year, then her current case would again be ripe for prosecution. All parties are also agreeing that they won't talk further to the press about the case. Fargo and West Fargo are signing similar agreements.

There had been discussion about KVLV issuing an apology. Fargo and West Fargo ultimately requested that an apology not be issued and preferred the Final Settlement Agreement that says they won't talk to the press about it further and the press/KVLV won't talk about it further. In talking with Lynn, she is okay with the agreement as well. Part of this settlement includes Moorhead Schools, Lynn and her team, sitting down with KVLV and having a meeting to discuss issues. Lynn wanted the meeting, she does want to give Ike a piece of her mind. She definitely still has some issues with him and wants to give him her point of view. I do think she had some concerns, that she had expressed to me previously, that she didn't want Moorhead Schools looking vindictive or looking like they were the only ones that wanted a prosecution of Mellaney Moore and I would join in those issues and how Moorhead would be viewed, so I do think that this is a reasonable resolution.

I know you may not agree with this as a final resolution, but I appreciate your support. I would point out you are not part of any settlement that says you won't discuss it in the press or otherwise and you are obviously free to express your opinion on the matter as you see fit. We can meet at any time if you want to discuss the issue further. Thanks

Brian

David Ebinger

From: David Ebinger
Sent: Thursday, December 12, 2013 4:07 PM
To: 'Keith Ternes'; Arland Rasmussen
Subject: RE: KVLV Media

Keith and Arland:

I'm open both days except for the Salvation Army press conference Tuesday.

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

-----Original Message-----

From: Keith Ternes [mailto:KTernes@cityoffargo.com]
Sent: Thursday, December 12, 2013 4:03 PM
To: Arland Rasmussen; David Ebinger
Subject: Fwd: KVLV Media

Arland and Dave,

I'm currently out of town and won't be back in the office until Monday. If you'd like to get together sometime early next week to discuss this and how we might collectively approach it, I'm happy to visit about it. If we need to visit sooner than that, I can be available by telephone.

My initial thought is to not give this news story and it's generators any more attention than it or they deserve. That's not to suggest that we do nothing, but I'm not interested in handing them another story that simply makes us look spiteful. I have some other perspectives I'll share with you if and when we visit.

Keith

Sent from my iPhone

Begin forwarded message:

From: "Arland H. Rasmussen" <Arland.Rasmussen@westfargond.gov<mailto:Arland.Rasmussen@westfargond.gov>>
Date: December 12, 2013 at 4:43:34 PM EST
To: "David Ebinger (david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>)"
<david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>>, "David Todd
(dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>)"
<dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>>, "Paul Laney
(LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>)"

<LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>>, "Keith Ternes
Katernes@ci.fargo.com<mailto:Katernes@ci.fargo.com>" <Katernes@ci.fargo.nd.us<mailto:Katernes@ci.fargo.nd.us>>
Cc: "Michael D. Reitan" <Michael.Reitan@westfargond.gov<mailto:Michael.Reitan@westfargond.gov>>, "Duane C. Sall"
<Duane.Sall@westfargond.gov<mailto:Duane.Sall@westfargond.gov>>, "Greg C. Warren"
<Greg.Warren@westfargond.gov<mailto:Greg.Warren@westfargond.gov>>
Subject: KVLV Media

David E., Keith T, David T., Paul L.,

I forward some e-mail correspondence I have had with Dr. Flowers , West Fargo School Superintendent, regarding the KVLV report.

Just FYI. Chief Ebinger told me they are interested in prosecuting. Because we do not have an officer in the school they filmed I will leave this up to our school administration. However, sure is evident they broke the law!

Just wanted to keep everyone in the loop and open communications.

Arland

From: Flowers, David [mailto:FLOWERS@west-fargo.k12.nd.us]

Sent: Thursday, December 12, 2013 3:08 PM

To: Arland H. Rasmussen

Cc: Korschak, Heather

Subject: RE: Media

Chief,

Thank you for your perspective on this issue. It is in alignment with our own thoughts. In the spirit of playing "gotcha" the TV station did a couple of things that are unfortunate. They advertised to anyone with mal intent that schools are vulnerable, and here's how you take advantage of the vulnerability if you'd like to hurt children; they broke the law (ignored postings for all visitors to report to the office).

I support the filing of a report, and it would also be good if they received some official notice that they have broken the law. Thanks again for your support.

David Flowers
Superintendent

[WFPS_Logo_Horiz_Color]

Greetings Dr. Flowers,

I write concerning last night's KVLV story on access to elementary schools.

First of all, I don't want to interfere because I look at this as the schools issue, not law enforcement since we do not have officers in the elementary schools. So don't hesitate to say "bud out" and I certainly will not take offense.

When I saw the report, it made me a little mad and I know she picked an older school as the new ones you have to go into the office to get into the building. I also thought to myself, she just broke the law. She trespassed.

Signs were posted.

Well, apparently the same thought(s) came to the officials in Moorhead and Fargo. Moorhead apparently (you may want to check with their administration) plans on pressing charges. I have heard the PD and their city attorney are set to press the issue.

Chief Ternes wants to wait and meet with myself and Chief Ebinger and maybe some school officials.

I really don't think West Fargo looked too bad. Your staff spoke to the media which was excellent. Also, if your administration has not gotten calls or flack on this, maybe not many watch KVLV and no use giving them any higher ratings.

Chief Ternes thought maybe having the Cass Co. States Attorney send KVLV a letter warning them that further issues like this will be prosecuted?

I have asked that my staff do a report, to have on file so it is an active investigation and not released to the media, and we can have that ready to send to the S/A if we so chose and it is deemed necessary.

This same reporter apparently give SRO Todd Pearson headaches during the Jonas issue. So this reporter apparently wants to push issues.

So, that's about it. Just wanted to touch base with you. I/we will support you in whatever decision you make. Have a GREAT day.
Arland

Arland H. Rasmussen, Chief of Police
West Fargo Police Department
800 4th Avenue East, Suite 2
West Fargo, ND 58078
701-433-5500 phone
701-433-5508 fax
Arland.Rasmussen@westfargond.gov
Graduate of 169th Session of National FBI Academy [email_footer][COY-West Fargo 13]

David Ebinger

From: David Ebinger
Sent: Friday, December 13, 2013 3:14 PM
To: 'Kovash, Lynne'
Subject: RE: [Public Web Contact Form] - David Ebinger: Your Interview on KFGO

Lynne,

I am meeting Monday with all my counterparts in Fargo, West Fargo, and Sherriff Laney to discuss a unified response to the unlawful acts that occurred in all three of our jurisdictions. I think the position that Brian Melton, you and I have taken; that it is the responsibility of the police to gather facts, the prosecutor to determine if the law has been broken, and ultimately the schools to help us make those assessments, appears to be prevailing. It appears our citizens and the media are agreeing with this decision.

Let me know of development6s on your end and I will keep you informed from our shop.

Thanks, have a good weekend.

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

From: Kovash, Lynne [mailto:lkovash@moorheadschoools.org]
Sent: Friday, December 13, 2013 3:07 PM
To: David Ebinger
Subject: Re: [Public Web Contact Form] - David Ebinger: Your Interview on KFGO

Thanks Dave,

I needed this today. I was disappointed by Jeff's comments and I did talk with him yesterday that our police department was investigating.

I agree with Lowell that we (all three districts) need to work together on this. I have always appreciated Lowell's knowledge and expertise in these areas.

Lynne

On Fri, Dec 13, 2013 at 3:04 PM, <david.ebinger@moorheadpolice.com> wrote:

First Name: David

Last Name: Ebinger

Email: david.ebinger@moorheadpolice.com

Phone (optional): [218-299-5123](tel:218-299-5123)

Subject: Your Interview on KFGO

Message:

Lynne,

Great job on the interview today. See below for a letter that came my way. We will keep you informed of developments on the KVLV investigation, feel free to contact me if you have any questions or concerns.

From: Laney, Paul [mailto:LaneyP@casscountynd.gov]
Sent: Friday, December 13, 2013 2:42 PM
To: David Ebinger; Shannon Monroe; Arland H. Rasmussen; Michael D. Reitan; Burdick, Birch
Subject: FW: School security story

Gentleman.....we received this email from Lowell Wolff today. He addressed it to the Superintendent of Fargo Public Schools and included Sgt Morris in the email. I thought you should see it as well. Feel free to share it with your city/states attorney's as you see fit. I didn't have their email addresses in my system, so I was only able to include Birch.

We have had a number of conversations about this these past few days, trying to decide what is the best course of action regarding KVLV and their violation of the law. Lowell is one of the nation's experts on the matter of school safety and the man who was the original designer and the key component in our Unified School Response endeavor.

I believe his email speaks for itself.

Paul D. Laney
Sheriff
Cass County Government
[\(701\) 241-5800](tel:(701)241-5800)
LaneyP@casscountynd.gov

From: Morris, Tara
Sent: Friday, December 13, 2013 2:09 PM
To: Laney, Paul
Subject: FW: School security story

Sent from my Windows Phone

From: Lowell Wolff
Sent: 12/13/2013 1:33 PM
To: Jeff Schatz; Jim Frueh
Cc: Keith Ternes; David Todd; Morris, Tara
Subject: School security story
Hi Jeff,

I was doing a little woodworking and stopped to have lunch today. I opened the In-Forum and noticed the story on Mellany Moore's cruise through the schools. The story didn't tell you anything you didn't already know. CPTED audits and intruder exercises of a couple of years ago have made this vulnerability old news. Now the whole community knows of the vulnerability.

It won't come as a shock that I was disappointed in your response to not pursue charges because you were, "not sure what purpose it would serve." But failure to act serves many purposes and sends - perhaps unintended - negative messages.

- The public just heard you don't care enough about this to act. This is especially true when you have the security camera files to prove your case.

- The idea for this action reportedly came from an FPS employee. Apparently she has little trust in security measures in place. Not acting on what you do have in place diminishes the trust of all.

- The message on the door of every school building is pretty clear. If you don't pursue charges, you have effectively added on sentence to the sign, "Just Kidding!" If there comes a time to legitimately use that City Ordinance, the defense certainly has the argument that it is applied in an arbitrary and capricious manner. If I were a parent in the midst of a custody battle and considering a kid-grab, there is now one less deterrent for me to act.

- If you don't enforce a clearly posted city ordinance, it is reasonable to assume school rules won't be enforced either.

- I recently had lunch with David Flowers and he shared some of the tactics Hoake Communication reporters are using. It sounds like unprofessional, tabloid journalism. Failure to act sends the message that the media is above the law and it legitimizes their unprofessional tactics.

No need to respond to this, Jeff. I hope you will reconsider and pursue charges with the same amount of publicity given to yesterday's decision. This is an opportunity for all three districts to lock arms and make a statement much stronger than its misdemeanor status would suggest.

Sincerely,

--

Dr. Lynne A. Kovash
Superintendent
2410 14th St. St. South
Moorhead, MN 56560
218-284-3330
lkovash@moorheadschoools.org

"You've got to have a dream, if you want to have a dream come true." Dennis Waitley

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David Ebinger

From: David Ebinger
Sent: Monday, December 16, 2013 2:21 PM
To: 'Kovash, Lynne'
Subject: RE: [Public Web Contact Form] - David Ebinger: Your Interview on KFGO

Lynne,

I met with Chiefs Ternes and Rasmussen as well as Sheriff Laney today. All the Chiefs are in the process of directing investigations on the various violations that occurred in our jurisdictions so we will keep each other advised of developments. I know the various prosecutors are also planning on discussing this from their perspective, I assume the results of the investigation and the input from school administrations will weigh on the ultimate decisions as to prosecution.

From what I have seen so far there appears to be some serious factual errors in this reporting and, overall, it looks like more of a fraternity scavenger hunt that investigative reporting. MS Moore has not been responsive to Detective Voxland's requests for an interview with her, which presents a little irony when you think about it.

I concur with your call to a review of school procedures. It is wise not to ignore a possible lesson from this even if the messenger is seriously flawed. Let me know if there is anything MPD can do to assist in this effort and I will keep you apprised of any developments.

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

From: Kovash, Lynne [mailto:lkovash@moorheadschoools.org]
Sent: Monday, December 16, 2013 2:09 PM
To: David Ebinger
Subject: Re: [Public Web Contact Form] - David Ebinger: Your Interview on KFGO

Hi Dave,

I hope you're having a good Monday. Mellany Moore called today for an interview. I did tell her since there was an investigation, I would not talk with her. I just wanted to pass this information on as they are still trying to interview. I am asking our Emergency Planning Team, along with our SRO's and Lowell Wolff to look at our school security procedures and to present a recommendation to administration. We haven't done this for a few years so I think it is time to review our procedures and processes.

Lynne

On Fri, Dec 13, 2013 at 3:14 PM, David Ebinger <david.ebinger@moorheadpolice.com> wrote:

Lynne,

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Let me know of development6s on your end and I will keep you informed from our shop.

Thanks, have a good weekend.

David Ebinger, Chief of Police

Moorhead Police Department

915 9th Avenue North

Moorhead, Minnesota 56561

Office: [\(218\) 299-5123](tel:2182995123)

FAX: [\(218\) 299-5185](tel:2182995185)

From: Kovash, Lynne [mailto:lkovash@moorheadschoools.org]

Sent: Friday, December 13, 2013 3:07 PM

To: David Ebinger

Subject: Re: [Public Web Contact Form] - David Ebinger: Your Interview on KFGO

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I agree with Lowell that we (all three districts) need to work together on this. I have always appreciated Lowell's knowledge and expertise in these areas.

Lynne

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First Name: David
Last Name: Ebinger
Email: david.ebinger@moorheadpolice.com
Phone (optional): [218-299-5123](tel:218-299-5123)
Subject: Your Interview on KFGO
Message:
Lynne,

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From: Laney, Paul [mailto:LaneyP@casscountynd.gov]
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I believe his email speaks for itself.

Paul D. Laney
Sheriff
Cass County Government
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LaneyP@casscountynd.gov

From: Morris, Tara
Sent: Friday, December 13, 2013 2:09 PM
To: Laney, Paul
Subject: FW: School security story

Sent from my Windows Phone

From: Lowell Wolff
Sent: 12/13/2013 1:33 PM
To: Jeff Schatz; Jim Frueh
Cc: Keith Ternes; David Todd; Morris, Tara
Subject: School security story
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It won't come as a shock that I was disappointed in your response to not pursue charges because you were, "not sure what purpose it would serve." But failure to act serves many purposes and sends - perhaps unintended - negative messages.

- The public just heard you don't care enough about this to act. This is especially true when you have the security camera files to prove your case.

- The idea for this action reportedly came from an FPS employee. Apparently she has little trust in security measures in place. Not acting on what you do have in place diminishes the trust of all.

- The message on the door of every school building is pretty clear. If you don't pursue charges, you have effectively added on sentence to the sign, "Just Kidding!" If there comes a time to legitimately use that City Ordinance, the defense certainly has the argument that it is applied in an arbitrary and capricious manner. If I were a parent in the midst of a custody battle and considering a kid-grab, there is now one less deterrent for me to act.

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- I recently had lunch with David Flowers and he shared some of the tactics Hoake Communication reporters are using. It sounds like unprofessional, tabloid journalism. Failure to act sends the message that the media is above the law and it legitimizes their unprofessional tactics.

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Sincerely,

--

Dr. Lynne A. Kovash
Superintendent

2410 14th St. St. South
Moorhead, MN 56560
[218-284-3330](tel:218-284-3330)
lkovash@moorheadschoools.org

“You've got to have a dream, if you want to have a dream come true.” Dennis Waitley

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--

Dr. Lynne A. Kovash
Superintendent
2410 14th St. St. South
Moorhead, MN 56560
218-284-3330
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“You've got to have a dream, if you want to have a dream come true.” Dennis Waitley

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David Ebinger

From: David Ebinger
Sent: Thursday, December 12, 2013 10:09 AM
To: Shannon Monroe
Subject: RE: Valley News Live Story

Shannon,

The violation of MN Statute appears to be pretty clear cut. Proceed with an investigation and forward the file to the County Attorney for a decision on charging.

I spoke to Lynne Kovash and she confirmed that the school involved is Reinertsen and that the below listed statute is posted on all entrances, she will check on security video.

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

From: Shannon Monroe
Sent: Thursday, December 12, 2013 9:54 AM
To: David Ebinger (david.ebinger@ci.moorhead.mn.us)
Subject: FW: Valley News Live Story

Chief,

Reference this news report, I spoke to the county attorney this morning and he is going to view the story online. I described to him what occurred and that we believe the video captures a violation of the above listed MN Statute. He concurs that as law enforcement, we cannot ignore the violation and will be awaiting an investigation. Preliminary work is that it appears this was at Reinertson Elementary. I believe we should have an investigation initiated.

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBI NA #229

Learning Link: Got 15 Minutes? *NEW! August 2013*
Minnesota Office of Justice Programs Identity Theft Webpage for Victim Assistance
<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/Identity%20Theft.aspx>

From: Mike Detloff
Sent: Thursday, December 12, 2013 12:44 AM
To: Shannon Monroe ; David Ebinger (david.ebinger@moorheadpolice.com)
Subject: Valley News Live Story

I believe she went into Ellen Hopkins south entrance from judging at the reflection in the window as she is walking in. It looks like it occurred between 13:48:09 and ended sometime around 13:50:20 from the time and date stamps on her video. It appears it was a rush job to get the story ready for the 6 pm news but that still doesn't address the fact that she wasn't confronted or challenged by anyone in the school. The trespass statute 609.605 covers her behavior in subsection 4:

Subd. 4. **Trespasses on school property.** (a) It is a misdemeanor for a person to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless the person:

(1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;

(2) has permission or an invitation from a school official to be in the building;

(3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or

(4) has reported the person's presence in the school building in the manner required for visitors to the school.

I did not create a run as I am not positive it occurred at Hopkins. I'm hoping an SRO will recognize the school from the video and follow-up to see if there is security footage of her sneaking around the school. Let me know what else I can do to assist.

Mike

David Ebinger

From: Joel Voxland
Sent: Wednesday, January 29, 2014 1:15 PM
To: David Ebinger
Subject: FW: video

From: Moyano, Anne [<mailto:amoyano@moorheadschoools.org>]
Sent: Friday, December 13, 2013 11:49 AM
To: Joel Voxland
Subject: Re: video

I checked the district staff directory and she is not an employee. She is not a parent at SGR - we checked that as well. She was not given permission to be in the building. There was no public event taking place to which she could have been invited or attended.

On Fri, Dec 13, 2013 at 11:14 AM, Joel Voxland <joel.voxland@moorheadpolice.com> wrote:

Thanks. I picked up the video.

I have a few clarifying questions I'd like to ask (and they are going to sound silly):

- 1) Does Mellaney Moore (KVLV Reporter) have a child that attends this school or is she in any way employed by the school/district?
- 2) Did she have permission from a school official to be in the building?
- 3) Were there any events or classes (games, concerts, etc.) occurring at the school that afternoon in which she could have been invited or attended?

Thanks.



Detective Joel Voxland, #329
Moorhead Police Department

915 9th Ave No

Moorhead, MN 56560

Office: [\(218\) 299-5129](tel:(218)299-5129)

Cell: [\(218\) 790-4015](tel:(218)790-4015)

Fax: [\(218\) 299-5183](tel:(218)299-5183)

E-Mail: joel.voxland@moorheadpolice.com

From: Moyano, Anne [mailto:amoyano@moorheadschoools.org]

Sent: Thursday, December 12, 2013 4:12 PM

To: Joel Voxland

Subject: video

I contacted the superintendent and learned that she had already released the video to Officer John Lien. Please let me know if I can be of further help.

--

amoyano@moorheadschoools.org

Anne Moyano, Principal

Moorhead Area Schools - ISD #152

S.G. Reinertsen Elementary

1201 40th Avenue South

Moorhead, MN 56560

Phone: [218-284-5300](tel:218-284-5300)

Fax: [218-284-5333](tel:218-284-5333)

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--

amoyano@moorheadschoools.org

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David Ebinger

From: Keith Ternes <KTernes@cityoffargo.com>
Sent: Thursday, December 12, 2013 4:03 PM
To: Arland Rasmussen; David Ebinger
Subject: Fwd: KVLV Media
Attachments: image003.jpg; image004.jpg; image005.jpg

Arland and Dave,

I'm currently out of town and won't be back in the office until Monday. If you'd like to get together sometime early next week to discuss this and how we might collectively approach it, I'm happy to visit about it. If we need to visit sooner than that, I can be available by telephone.

My initial thought is to not give this news story and it's generators any more attention than it or they deserve. That's not to suggest that we do nothing, but I'm not interested in handing them another story that simply makes us look spiteful. I have some other perspectives I'll share with you if and when we visit.

Keith

Sent from my iPhone

Begin forwarded message:

From: "Arland H. Rasmussen" <Arland.Rasmussen@westfargond.gov<mailto:Arland.Rasmussen@westfargond.gov>>
Date: December 12, 2013 at 4:43:34 PM EST
To: "David Ebinger (david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>)" <david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>>, "David Todd (dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>)" <dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>>, "Paul Laney (LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>)" <LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>>, "Keith Ternes Katernes@ci.fargo.com<mailto:Katernes@ci.fargo.com>" <Katernes@ci.fargo.nd.us<mailto:Katernes@ci.fargo.nd.us>>
Cc: "Michael D. Reitan" <Michael.Reitan@westfargond.gov<mailto:Michael.Reitan@westfargond.gov>>, "Duane C. Sall" <Duane.Sall@westfargond.gov<mailto:Duane.Sall@westfargond.gov>>, "Greg C. Warren" <Greg.Warren@westfargond.gov<mailto:Greg.Warren@westfargond.gov>>
Subject: KVLV Media

David E., Keith T, David T., Paul L.,

I forward some e-mail correspondence I have had with Dr. Flowers , West Fargo School Superintendent, regarding the KVLV report.

Just FYI. Chief Ebinger told me they are interested in prosecuting. Because we do not have an officer in the school they filmed I will leave this up to our school administration. However, sure is evident they broke the law!

Just wanted to keep everyone in the loop and open communications.

Arland

From: Flowers, David [mailto:FLOWERS@west-fargo.k12.nd.us]
Sent: Thursday, December 12, 2013 3:08 PM
To: Arland H. Rasmussen
Cc: Kenschak, Heather

Subject: RE: Media

Chief,

Thank you for your perspective on this issue. It is in alignment with our own thoughts. In the spirit of playing "gotcha" the TV station did a couple of things that are unfortunate. They advertised to anyone with mal intent that schools are vulnerable, and here's how you take advantage of the vulnerability if you'd like to hurt children; they broke the law (ignored postings for all visitors to report to the office).

I support the filing of a report, and it would also be good if they received some official notice that they have broken the law. Thanks again for your support.

David Flowers
Superintendent

[WFPS_Logo_Horiz_Color]

Greetings Dr. Flowers,

I write concerning last night's KVLV story on access to elementary schools.

First of all, I don't want to interfere because I look at this as the schools issue, not law enforcement since we do not have officers in the elementary schools. So don't hesitate to say "bud out" and I certainly will not take offense.

When I saw the report, it made me a little mad and I know she picked an older school as the new ones you have to go into the office to get into the building. I also thought to myself, she just broke the law. She trespassed. Signs were posted.

Well, apparently the same thought(s) came to the officials in Moorhead and Fargo. Moorhead apparently (you may want to check with their administration) plans on pressing charges. I have heard the PD and their city attorney are set to press the issue.

Chief Ternes wants to wait and meet with myself and Chief Ebinger and maybe some school officials.

I really don't think West Fargo looked too bad. Your staff spoke to the media which was excellent.

Also, if your administration has not gotten calls or flack on this, maybe not many watch KVLV and no use giving them any higher ratings.

Chief Ternes thought maybe having the Cass Co. States Attorney send KVLV a letter warning them that further issues like this will be prosecuted?

I have asked that my staff do a report, to have on file so it is an active investigation and not released to the media, and we can have that ready to send to the S/A if we so chose and it is deemed necessary.

This same reporter apparently give SRO Todd Pearson headaches during the Jonas issue. So this reporter apparently wants to push issues.

So, that's about it. Just wanted to touch base with you. I/we will support you in whatever decision you make.

Have a GREAT day.

Arland

Arland H. Rasmussen, Chief of Police

West Fargo Police Department

800 4th Avenue East, Suite 2

West Fargo, ND 58078

701-433-5500 phone

701-433-5508 fax

Arland.Rasmussen@westfargond.gov

Graduate of 169th Session of National FBI Academy [email_footer][COY-West Fargo 13]

David Ebinger

From: Keith Ternes <KTernes@cityoffargo.com>
Sent: Friday, December 13, 2013 9:58 AM
To: David Ebinger
Cc: arland.rasmussen@westfargond.gov
Subject: Re: KVLV Media

Works for me.

Sent from my iPhone

> On Dec 13, 2013, at 9:52 AM, "David Ebinger" <david.ebinger@moorheadpolice.com> wrote:

>

> Paul Laney and his people are getting a lot of media requests on this (so far they have not responded). Thoughts on getting Paul in on the conversation so we all stay on message?

>

> David Ebinger, Chief of Police
> Moorhead Police Department
> 915 9th Avenue North
> Moorhead, Minnesota 56561

>

> Office:(218) 299-5123
> FAX: (218) 299-5185

>

> -----Original Message-----

> From: David Ebinger

> Sent: Thursday, December 12, 2013 6:26 PM

> To: kternes@cityoffargo.com; arland.rasmussen@westfargond.gov

> Subject: Re: KVLV Media

>

>

> See you there.

>

> Sent from my HTC on the Now Network from Sprint!

>

>

>

> ----- Reply message -----

> From: "Keith Ternes" <KTernes@cityoffargo.com>

> Date: Thu, Dec 12, 2013 4:32 pm

> Subject: KVLV Media

> To: "Arland H. Rasmussen" <Arland.Rasmussen@westfargond.gov>

> Cc: "David Ebinger" <david.ebinger@moorheadpolice.com>

>

> King House Monday at 11:45 it is. We'll see you then.

>

> Sent from my iPhone

>

>> On Dec 12, 2013, at 5:31 PM, "Arland H. Rasmussen" <Arland.Rasmussen@westfargond.gov> wrote:

>>
>> Monday over lunch. I don't care where.
>> I just think we need to do this as early as possible next week.
>>
>> Arland
>>
>>
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>>> Early Monday afternoon between 1 and 3 pm would work for me or either day over lunch. Except for the noon hour, Tuesdays bad for me.
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>>>> Have a GREAT day!
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>>>>>
>>>>> Keith and Arland:
>>>>>
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>>>>> To: Arland Rasmussen; David Ebinger
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>>>>> I'm currently out of town and won't be back in the office until Monday. If you'd like to get together sometime early next week to discuss this and how we might collectively approach it, I'm happy to visit about it. If we need to visit sooner than that, I can be available by telephone.
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>>>> My initial thought is to not give this news story and it's generators any more attention then it or they deserve. That's not to suggest that we do nothing, but I'm not interested in handing them another story that simply makes us look spiteful. I have some other perspectives I'll share with you if and when we visit.

>>>>

>>>> Keith

>>>>

>>>> Sent from my iPhone

>>>>

>>>> Begin forwarded message:

>>>>

>>>> From: "Arland H. Rasmussen"

>>>> <Arland.Rasmussen@westfargond.gov<mailto:Arland.Rasmussen@westfargond.gov>>

>>>> o

>>>> nd.gov>>

>>>> Date: December 12, 2013 at 4:43:34 PM EST

>>>> To: "David Ebinger"

>>>> (david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>)

>>>> i

>>>> ce.com>)"

>>>> <david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>>

>>>> i

>>>> ce.com>>, "David Todd"

>>>> (dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>)"

>>>> <dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>>, "Paul Laney"

>>>> (LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>)"

>>>> <LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>>, "Keith"

>>>> Ternes Katernes@ci.fargo.com<mailto:Katernes@ci.fargo.com>"

>>>> <Katernes@ci.fargo.nd.us<mailto:Katernes@ci.fargo.nd.us>>

>>>> Cc: "Michael D. Reitan"

>>>> <Michael.Reitan@westfargond.gov<mailto:Michael.Reitan@westfargond.gov>>

>>>> g

>>>> ov>>, "Duane C. Sall"

>>>> <Duane.Sall@westfargond.gov<mailto:Duane.Sall@westfargond.gov>>, "Greg C. Warren"

>>>> <Greg.Warren@westfargond.gov<mailto:Greg.Warren@westfargond.gov>>

>>>> Subject: KVLV Media

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>>>> [WFPS_Logo_Horiz_Color]

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>>>> Have a GREAT day.

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>>>> Arland H. Rasmussen, Chief of Police West Fargo Police Department

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>>>> Arland.Rasmussen@westfargond.gov
>>>> Graduate of 169th Session of National FBI Academy
>>>> [email_footer][COY-West Fargo 13]
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David Ebinger

From: Keith Ternes <KTernes@cityoffargo.com>
Sent: Thursday, December 12, 2013 4:33 PM
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>>>> Office:(218) 299-5123

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>>>> <david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpoli
>>>> ce.com>>, "David Todd
>>>> (dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>)"
>>>> <dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>>, "Paul Laney
>>>> (LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>)"
>>>> <LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>>, "Keith
>>>> Ternes Katernes@ci.fargo.com<mailto:Katernes@ci.fargo.com>"
>>>> <Katernes@ci.fargo.nd.us<mailto:Katernes@ci.fargo.nd.us>>
>>>> Cc: "Michael D. Reitan"
>>>> <Michael.Reitan@westfargond.gov<mailto:Michael.Reitan@westfargond.g
>>>> ov>>, "Duane C. Sall"
>>>> <Duane.Sall@westfargond.gov<mailto:Duane.Sall@westfargond.gov>>,
>>>> "Greg C. Warren"
>>>> <Greg.Warren@westfargond.gov<mailto:Greg.Warren@westfargond.gov>>
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>>>> [WFPS_Logo_Horiz_Color]
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>>>> Arland H. Rasmussen, Chief of Police West Fargo Police Department

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>>>> West Fargo, ND 58078

>>>> 701-433-5500 phone

>>>> 701-433-5508 fax

>>>> Arland.Rasmussen@westfargond.gov

>>>> Graduate of 169th Session of National FBI Academy

>>>> [email_footer][COY-West Fargo 13]

>>>>

David Ebinger

From: Kovash, Lynne <lkovash@moorheadschoools.org>
Sent: Friday, December 13, 2013 3:07 PM
To: David Ebinger
Subject: Re: [Public Web Contact Form] - David Ebinger: Your Interview on KFGO

Thanks Dave,

I needed this today. I was disappointed by Jeff's comments and I did talk with him yesterday that our police department was investigating.

I agree with Lowell that we (all three districts) need to work together on this. I have always appreciated Lowell's knowledge and expertise in these areas.

Lynne

On Fri, Dec 13, 2013 at 3:04 PM, <david.ebinger@moorheadpolice.com> wrote:

First Name: David

Last Name: Ebinger

Email: david.ebinger@moorheadpolice.com

Phone (optional): [218-299-5123](tel:218-299-5123)

Subject: Your Interview on KFGO

Message:

Lynne,

Great job on the interview today. See below for a letter that came my way. We will keep you informed of developments on the KVLV investigation, feel free to contact me if you have any questions or concerns.

From: Laney, Paul [mailto:LaneyP@casscountynd.gov]

Sent: Friday, December 13, 2013 2:42 PM

To: David Ebinger; Shannon Monroe; Arland H. Rasmussen; Michael D. Reitan; Burdick, Birch

Subject: FW: School security story

Gentleman.....we received this email from Lowell Wolff today. He addressed it to the Superintendent of Fargo Public Schools and included Sgt Morris in the email. I thought you should see it as well. Feel free to share it with your city/states attorney's as you see fit. I didn't have their email addresses in my system, so I was only able to include Birch.

We have had a number of conversations about this these past few days, trying to decide what is the best course of action regarding KVLV and their violation of the law. Lowell is one of the nation's experts on the matter of school safety and the man who was the original designer and the key component in our Unified School Response endeavor.

I believe his email speaks for itself.

Paul D. Laney

Sheriff

Cass County Government

[\(701\) 241-5800](tel:(701)241-5800)

LaneyP@casscountynd.gov

From: Morris, Tara
Sent: Friday, December 13, 2013 2:09 PM
To: Laney, Paul
Subject: FW: School security story

Sent from my Windows Phone

From: Lowell Wolff
Sent: 12/13/2013 1:33 PM
To: Jeff Schatz; Jim Frueh
Cc: Keith Ternes; David Todd; Morris, Tara
Subject: School security story
Hi Jeff,

I was doing a little woodworking and stopped to have lunch today. I opened the In-Forum and noticed the story on Mellany Moore's cruise through the schools. The story didn't tell you anything you didn't already know. CPTED audits and intruder exercises of a couple of years ago have made this vulnerability old news. Now the whole community knows of the vulnerability.

It won't come as a shock that I was disappointed in your response to not pursue charges because you were, "not sure what purpose it would serve." But failure to act serves many purposes and sends - perhaps unintended - negative messages.

- The public just heard you don't care enough about this to act. This is especially true when you have the security camera files to prove your case.

- The idea for this action reportedly came from an FPS employee. Apparently she has little trust in security measures in place. Not acting on what you do have in place diminishes the trust of all.

- The message on the door of every school building is pretty clear. If you don't pursue charges, you have effectively added on sentence to the sign, "Just Kidding!" If there comes a time to legitimately use that City Ordinance, the defense certainly has the argument that it is applied in an arbitrary and capricious manner. If I were a parent in the midst of a custody battle and considering a kid-grab, there is now one less deterrent for me to act.

- If you don't enforce a clearly posted city ordinance, it is reasonable to assume school rules won't be enforced either.

- I recently had lunch with David Flowers and he shared some of the tactics Hoake Communication reporters are using. It sounds like unprofessional, tabloid journalism. Failure to act sends the message that the media is above the law and it legitimizes their unprofessional tactics.

No need to respond to this, Jeff. I hope you will reconsider and pursue charges with the same amount of publicity given to yesterday's decision. This is an opportunity for all three districts to lock arms and make a statement much stronger than its misdemeanor status would suggest.

Sincerely,

--

Dr. Lynne A. Kovash
Superintendent
2410 14th St. St. South
Moorhead, MN 56560
218-284-3330
lkovash@moorheadschoools.org

“You've got to have a dream, if you want to have a dream come true.” Dennis Waitley

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David Ebinger

From: Kovash, Lynne <lkovash@moorheadschoools.org>
Sent: Monday, December 16, 2013 2:09 PM
To: David Ebinger
Subject: Re: [Public Web Contact Form] - David Ebinger: Your Interview on KFGO

Hi Dave,

I hope you're having a good Monday. Mellany Moore called today for an interview. I did tell her since there was an investigation, I would not talk with her. I just wanted to pass this information on as they are still trying to interview. I am asking our Emergency Planning Team, along with our SRO's and Lowell Wolff to look at our school security procedures and to present a recommendation to administration. We haven't done this for a few years so I think it is time to review our procedures and processes.

Lynne

On Fri, Dec 13, 2013 at 3:14 PM, David Ebinger <david.ebinger@moorheadpolice.com> wrote:

Lynne,

I am meeting Monday with all my counterparts in Fargo, West Fargo, and Sherriff Laney to discuss a unified response to the unlawful acts that occurred in all three of our jurisdictions. I think the position that Brian Melton, you and I have taken; that it is the responsibility of the police to gather facts, the prosecutor to determine if the law has been broken, and ultimately the schools to help us make those assessments, appears to be prevailing. It appears our citizens and the media are agreeing with this decision.

Let me know of development6s on your end and I will keep you informed from our shop.

Thanks, have a good weekend.

David Ebinger, Chief of Police

Moorhead Police Department

915 9th Avenue North

Moorhead, Minnesota 56561

Office: [\(218\) 299-5123](tel:218-299-5123)

FAX: [\(218\) 299-5185](tel:218-299-5185)

From: Kovash, Lynne [mailto:lkovash@moorheadschoools.org]
Sent: Friday, December 13, 2013 3:07 PM
To: David Ebinger
Subject: Re: [Public Web Contact Form] - David Ebinger: Your Interview on KFGO

Thanks Dave,

I needed this today. I was disappointed by Jeff's comments and I did talk with him yesterday that our police department was investigating.

I agree with Lowell that we (all three districts) need to work together on this. I have always appreciated Lowell's knowledge and expertise in these areas.

Lynne

On Fri, Dec 13, 2013 at 3:04 PM, <david.ebinger@moorheadpolice.com> wrote:

First Name: David
Last Name: Ebinger
Email: david.ebinger@moorheadpolice.com
Phone (optional): [218-299-5123](tel:218-299-5123)
Subject: Your Interview on KFGO
Message:
Lynne,

Great job on the interview today. See below for a letter that came my way. We will keep you informed of developments on the KVLV investigation, feel free to contact me if you have any questions or concerns.

From: Laney, Paul [mailto:LaneyP@casscountynd.gov]
Sent: Friday, December 13, 2013 2:42 PM
To: David Ebinger; Shannon Monroe; Arland H. Rasmussen; Michael D. Reitan; Burdick, Birch
Subject: FW: School security story

Gentleman.....we received this email from Lowell Wolff today. He addressed it to the Superintendent of Fargo Public Schools and included Sgt Morris in the email. I thought you should see it as well. Feel free to share it with your city/states attorney's as you see fit. I didn't have their email addresses in my system, so I was only able to include Birch.

We have had a number of conversations about this these past few days, trying to decide what is the best course of action regarding KVLV and their violation of the law. Lowell is one of the nation's experts on the matter of school safety and the man who was the original designer and the key component in our Unified School Response endeavor.

I believe his email speaks for itself.

Paul D. Laney
Sheriff
Cass County Government
[\(701\) 241-5800](tel:(701)241-5800)
LaneyP@casscountynd.gov

From: Morris, Tara
Sent: Friday, December 13, 2013 2:09 PM
To: Laney, Paul
Subject: FW: School security story

Sent from my Windows Phone

From: Lowell Wolff
Sent: 12/13/2013 1:33 PM
To: Jeff Schatz; Jim Frueh
Cc: Keith Ternes; David Todd; Morris, Tara
Subject: School security story
Hi Jeff,

I was doing a little woodworking and stopped to have lunch today. I opened the In-Forum and noticed the story on Mellany Moore's cruise through the schools. The story didn't tell you anything you didn't already know. CPTED audits and intruder exercises of a couple of years ago have made this vulnerability old news. Now the whole community knows of the vulnerability.

It won't come as a shock that I was disappointed in your response to not pursue charges because you were, "not sure what purpose it would serve." But failure to act serves many purposes and sends - perhaps unintended - negative messages.

- The public just heard you don't care enough about this to act. This is especially true when you have the security camera files to prove your case.

- The idea for this action reportedly came from an FPS employee. Apparently she has little trust in security measures in place. Not acting on what you do have in place diminishes the trust of all.

- The message on the door of every school building is pretty clear. If you don't pursue charges, you have effectively added on sentence to the sign, "Just Kidding!" If there comes a time to legitimately use that City Ordinance, the defense certainly has the argument that it is applied in an arbitrary and capricious manner. If I were a parent in the midst of a custody battle and considering a kid-grab, there is now one less deterrent for me to act.

- If you don't enforce a clearly posted city ordinance, it is reasonable to assume school rules won't be enforced either.

- I recently had lunch with David Flowers and he shared some of the tactics Hoake Communication reporters are using. It sounds like unprofessional, tabloid journalism. Failure to act sends the message that the media is above the law and it legitimizes their unprofessional tactics.

No need to respond to this, Jeff. I hope you will reconsider and pursue charges with the same amount of publicity given to yesterday's decision. This is an opportunity for all three districts to lock arms and make a statement much stronger than its misdemeanor status would suggest.

Sincerely,

--

Dr. Lynne A. Kovash
Superintendent
2410 14th St. St. South
Moorhead, MN 56560
[218-284-3330](tel:218-284-3330)
lkovash@moorheadschoools.org

"You've got to have a dream, if you want to have a dream come true." Dennis Waitley

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--

Dr. Lynne A. Kovash
Superintendent
2410 14th St. St. South
Moorhead, MN 56560
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lkovash@moorheadschoools.org

"You've got to have a dream, if you want to have a dream come true." Dennis Waitley

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David Ebinger

From: Mike Detloff
Sent: Thursday, December 12, 2013 12:44 AM
To: Shannon Monroe ; David Ebinger (david.ebinger@moorheadpolice.com)
Subject: Valley News Live Story
Attachments: Trespass Statute 609.605.pdf; How Secure Are Area Elementary Schools_ - Valley News Live - KVLV_KXJB - Fargo_Grand Forks.pdf; Valley News Live Screenshots of -Security Holes at Local Schools-.docx

I believe she went into Ellen Hopkins south entrance from judging at the reflection in the window as she is walking in. It looks like it occurred between 13:48:09 and ended sometime around 13:50:20 from the time and date stamps on her video. It appears it was a rush job to get the story ready for the 6 pm news but that still doesn't address the fact that she wasn't confronted or challenged by anyone in the school. The trespass statute 609.605 covers her behavior in subsection 4:

Subd. 4. Trespasses on school property. (a) It is a misdemeanor for a person to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless the person:

- (1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;
- (2) has permission or an invitation from a school official to be in the building;
- (3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or
- (4) has reported the person's presence in the school building in the manner required for visitors to the school.

I did not create a run as I am not positive it occurred at Hopkins. I'm hoping an SRO will recognize the school from the video and follow-up to see if there is security footage of her sneaking around the school. Let me know what else I can do to assist.

Mike

David Ebinger

From: Laney, Paul <LaneyP@casscountynd.gov>
Sent: Friday, December 13, 2013 10:53 AM
To: David Ebinger
Subject: RE: KVLV Media

I will sure try!

Paul D. Laney
Sheriff
Cass County Government
(701) 241-5800
LaneyP@casscountynd.gov

-----Original Message-----

From: David Ebinger [mailto:david.ebinger@moorheadpolice.com]
Sent: Friday, December 13, 2013 10:17 AM
To: Laney, Paul
Subject: FW: KVLV Media

Paul,

Keith Arland and I are meeting for lunch at the King House 11:45 Monday to discuss the School Report from KVLV. Can you make it?

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

-----Original Message-----

From: Keith Ternes [mailto:KTernes@cityoffargo.com]
Sent: Thursday, December 12, 2013 4:24 PM
To: Arland H. Rasmussen
Cc: David Ebinger
Subject: Re: KVLV Media

Early Monday afternoon between 1 and 3 pm would work for me or either day over lunch. Except for the noon hour, Tuesdays bad for me.

Sent from my iPhone

> On Dec 12, 2013, at 5:17 PM, "Arland H. Rasmussen" <Arland.Rasmussen@westfargond.gov> wrote:
>

> Keith and David, I need to do some interviews for new officers as soon as possible but right now Monday looks good until 3 PM when I had an admin meeting. Tuesday looks good except for the 1 o'clock Salvation Army press conference.

> Sent from my iPhone.

> Have a GREAT day!

> Arland

>

>> On Dec 12, 2013, at 4:06 PM, "David Ebinger" <david.ebinger@moorheadpolice.com> wrote:

>>

>> Keith and Arland:

>>

>> I'm open both days except for the Salvation Army press conference Tuesday.

>>

>> David Ebinger, Chief of Police

>> Moorhead Police Department

>> 915 9th Avenue North

>> Moorhead, Minnesota 56561

>>

>> Office:(218) 299-5123

>> FAX: (218) 299-5185

>>

>>

>> -----Original Message-----

>> From: Keith Ternes [mailto:KTernes@cityoffargo.com]

>> Sent: Thursday, December 12, 2013 4:03 PM

>> To: Arland Rasmussen; David Ebinger

>> Subject: Fwd: KVLV Media

>>

>> Arland and Dave,

>>

>> I'm currently out of town and won't be back in the office until Monday. If you'd like to get together sometime early next week to discuss this and how we might collectively approach it, I'm happy to visit about it. If we need to visit sooner than that, I can be available by telephone.

>>

>> My initial thought is to not give this news story and it's generators any more attention then it or they deserve. That's not to suggest that we do nothing, but I'm not interested in handing them another story that simply makes us look spiteful. I have some other perspectives I'll share with you if and when we visit.

>>

>> Keith

>>

>> Sent from my iPhone

>>

>> Begin forwarded message:

>>

>> From: "Arland H. Rasmussen"

>> <Arland.Rasmussen@westfargond.gov<mailto:Arland.Rasmussen@westfargond.gov>>

>> Date: December 12, 2013 at 4:43:34 PM EST

>> To: "David Ebinger

>> (david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>)"

>> <david.ebinger@moorheadpolice.com<mailto:david.ebinger@moorheadpolice.com>>, "David Todd

>> (dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>)"
>> <dtodd@cityoffargo.com<mailto:dtodd@cityoffargo.com>>, "Paul Laney
>> (LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>)"
>> <LaneyP@casscountynd.gov<mailto:LaneyP@casscountynd.gov>>, "Keith
>> Ternes Katernes@ci.fargo.com<mailto:Katernes@ci.fargo.com>"
>> <Katernes@ci.fargo.nd.us<mailto:Katernes@ci.fargo.nd.us>>
>> Cc: "Michael D. Reitan"
>> <Michael.Reitan@westfargond.gov<mailto:Michael.Reitan@westfargond.gov
>> >>, "Duane C. Sall"
>> <Duane.Sall@westfargond.gov<mailto:Duane.Sall@westfargond.gov>>,
>> "Greg C. Warren"
>> <Greg.Warren@westfargond.gov<mailto:Greg.Warren@westfargond.gov>>
>> Subject: KVLV Media
>>
>> David E., Keith T, David T., Paul L., I forward some e-mail
>> correspondence I have had with Dr. Flowers , West Fargo School Superintendent, regarding the KVLV report.
>> Just FYI. Chief Ebinger told me they are interested in prosecuting. Because we do not have an officer in the school
they filmed I will leave this up to our school administration. However, sure is evident they broke the law!
>> Just wanted to keep everyone in the loop and open communications.
>> Arland
>>
>> From: Flowers, David [mailto:FLOWERS@west-fargo.k12.nd.us]
>> Sent: Thursday, December 12, 2013 3:08 PM
>> To: Arland H. Rasmussen
>> Cc: Konschak, Heather
>> Subject: RE: Media
>>
>> Chief,
>>
>> Thank you for your perspective on this issue. It is in alignment with our own thoughts. In the spirit of playing
"gotcha" the TV station did a couple of things that are unfortunate. They advertised to anyone with mal intent that
schools are vulnerable, and here's how you take advantage of the vulnerability if you'd like to hurt children; they broke
the law (ignored postings for all visitors to report to the office).
>>
>> I support the filing of a report, and it would also be good if they received some official notice that they have broken
the law. Thanks again for your support.
>>
>>
>> David Flowers
>> Superintendent
>>
>> [WFPS_Logo_Horiz_Color]
>>
>>
>> Greetings Dr. Flowers,
>> I write concerning last night's KVLV story on access to elementary schools.
>> First of all, I don't want to interfere because I look at this as the schools issue, not law enforcement since we do not
have officers in the elementary schools. So don't hesitate to say "bud out" and I certainly will not take offense.
>>
>> When I saw the report, it made me a little mad and I know she picked an older school as the new ones you have to go
into the office to get into the building. I also thought to myself, she just broke the law. She trespassed.
>> Signs were posted.

>>
>> Well, apparently the same thought(s) came to the officials in Moorhead and Fargo. Moorhead apparently (you may want to check with their administration) plans on pressing charges. I have heard the PD and their city attorney are set to press the issue.
>>
>> Chief Ternes wants to wait and meet with myself and Chief Ebinger and maybe some school officials.
>>
>> I really don't think West Fargo looked too bad. Your staff spoke to the media which was excellent.
>> Also, if your administration has not gotten calls or flack on this, maybe not many watch KVLV and no use giving them any higher ratings.
>>
>> Chief Ternes thought maybe having the Cass Co. States Attorney send KVLV a letter warning them that further issues like this will be prosecuted?
>>
>> I have asked that my staff do a report, to have on file so it is an active investigation and not released to the media, and we can have that ready to send to the S/A if we so chose and it is deemed necessary.
>>
>> This same reporter apparently give SRO Todd Pearson headaches during the Jonas issue. So this reporter apparently wants to push issues.
>>
>> So, that's about it. Just wanted to touch base with you. I/we will support you in whatever decision you make.
>> Have a GREAT day.
>> Arland
>>
>> Arland H. Rasmussen, Chief of Police
>> West Fargo Police Department
>> 800 4th Avenue East, Suite 2
>> West Fargo, ND 58078
>> 701-433-5500 phone
>> 701-433-5508 fax
>> Arland.Rasmussen@westfargond.gov
>> Graduate of 169th Session of National FBI Academy
>> [email_footer][COY-West Fargo 13]
>>

David Ebinger

From: Shannon Monroe
Sent: Wednesday, January 29, 2014 11:39 AM
To: David Ebinger (david.ebinger@ci.moorhead.mn.us)
Subject: FW: discussion

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBINA #229

Learning Link: Got 15 Minutes? *NEW! December 2013*

FirstLink covers ND and Clay County MN linking people to resources – check them out!

<http://www.myfirstlink.org/>

From: Shannon Monroe
Sent: Thursday, December 12, 2013 10:52 AM
To: 'David Todd'
Subject: discussion

Dave,

Let me know what you plan to do as well. We are not bent on charges by any means, however putting out to the world an obvious violation of MN law cannot be simply ignored. As mentioned, a discussion with them, a possible apology/correction would be the minimum we will be looking at if all the pieces fall into place.

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBI NA #229

Learning Link: Got 15 Minutes? *NEW! August 2013*

Minnesota Office of Justice Programs Identity Theft Webpage for Victim Assistance

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/Identity%20Theft.aspx>

David Ebinger

From: Shannon Monroe
Sent: Thursday, December 12, 2013 5:00 PM
To: David Ebinger
Subject: Fwd: MN Law for visitor registration at a school

Got it

Sent from my iPhone

Begin forwarded message:

From: "Morris, Tara" <MorrisT@casscountynd.gov>
Date: December 12, 2013 at 4:48:00 PM CST
To: "Shannon Monroe (shannon.monroe@moorheadpolice.com)" <shannon.monroe@moorheadpolice.com>, "David Ebinger (david.ebinger@moorheadpolice.com)" <david.ebinger@moorheadpolice.com>
Subject: MN Law for visitor registration at a school

Do you either of you have the statute number for MN's Law.

Thanks!

Tara Morris

Sergeant

Cass County Sheriff's Office

211 9th Street South

Fargo, ND 58103

Desk: (701) 241-5829

Cell: (701) 429-8593

morrist@casscountynd.gov

Visit us on the Web!

www.casscountynd.gov/county/depts/sheriff

<image001.png>

www.facebook.com/CassCountySO

David Ebinger

From: Shannon Monroe
Sent: Wednesday, January 29, 2014 11:34 AM
To: David Ebinger (david.ebinger@ci.moorhead.mn.us)
Subject: FW: school trespass

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBINA #229

Learning Link: Got 15 Minutes? *NEW! December 2013*

FirstLink covers ND and Clay County MN linking people to resources – check them out!

<http://www.myfirstlink.org/>

From: Tory Jacobson
Sent: Monday, December 23, 2013 8:53 AM
To: Val Kellen; Shannon Monroe
Subject: RE: school trespass

Thanks for catching this, but with the state statute it even made it sound more common knowledge and a higher expectation for the media know in my opinion..☺

Tory Jacobson

Administrative Lieutenant
Moorhead Police Department
(218) 299-5117

tory.jacobson@ci.moorhead.mn.us

<http://www.moorheadpolice.com/citizenInvolvement/citizenPoliceAcademy.asp>

From: Val Kellen
Sent: Saturday, December 21, 2013 8:58 AM
To: Shannon Monroe; Tory Jacobson
Subject: school trespass

Embarassing to admit, but I just realized today that we had an ordinance addressing this as well. Since all of the news articles only said we had a state statute, I didn't know if you guys were aware of it:

4-4-18: REGISTRATION IN PUBLIC SCHOOLS:  

During such time as regularly scheduled classes are in session, no person shall enter or remain in any public elementary or secondary school building within the city without first registering in the main office of said school; provided, however, this section shall not apply to members of the school board of Moorhead school district, faculty and employees of the Moorhead school district and students enrolled in that school.

Reasonable notification of the requirements of this section shall be conspicuously posted at the entrance to every public elementary and secondary school within the city, and no complaint for a violation of this section shall issue unless such notice is given. (Ord. 93-4, 6-7-1993)

Val

David Ebinger

From: Shannon Monroe
Sent: Wednesday, January 29, 2014 11:40 AM
To: David Ebinger (david.ebinger@ci.moorhead.mn.us)
Subject: FW: trespass

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBINA #229

Learning Link: Got 15 Minutes? *NEW! December 2013*

FirstLink covers ND and Clay County MN linking people to resources – check them out!

<http://www.myfirstlink.org/>

From: Shannon Monroe
Sent: Thursday, December 12, 2013 1:03 PM
To: 'Duane C. Sall'
Subject: RE: trespass

We are completing an investigation and conferring with the county attorney. We will decide at the end what course we are taking as far as charges, but for our part, a criminal violation occurred and we are investigating it.

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBI NA #229

Learning Link: Got 15 Minutes? *NEW! December 2013*

FirstLink covers ND and Clay County MN linking people to resources – check them out!

<http://www.myfirstlink.org/>

From: Duane C. Sall [<mailto:Duane.Sall@westfargond.gov>]
Sent: Thursday, December 12, 2013 12:52 PM
To: Shannon Monroe
Subject: FW: trespass

fyi

From: Duane C. Sall
Sent: Thursday, December 12, 2013 12:36 PM
To: Heather Konschak (hkonschak@west-fargo.k12.nd.us)
Cc: Todd W. Pearson; Arland H. Rasmussen (Arland.Rasmussen@westfargond.gov); Michael D. Reitan (Michael.Reitan@westfargond.gov)
Subject: trespass

Heather,

Dave Todd from Fargo PD called me and said that Fargo PD is not doing a report at this time and that Fargo's Chief is thinking about having to State's Attorney write a writer to KVLV about the trespass. Our Chief want us to do the report and hold on to it for now. Our Chief will contact Dr. Flowers.

Thanks,
Duane

*Lieutenant Duane Sall
West Fargo Police Department
800 4th Ave East Suite 2
West Fargo, ND 58078
Phone 701-433-5500
Fax 701-433-5508
FBINA 239*



David Ebinger

From: Shannon Monroe
Sent: Wednesday, January 29, 2014 11:32 AM
To: David Ebinger (david.ebinger@ci.moorhead.mn.us)
Subject: FW: Valley News Live Story
Attachments: Trespass Statute 609.605.pdf; How Secure Are Area Elementary Schools_ - Valley News Live - KVLV_KXJB - Fargo_Grand Forks.pdf; Valley News Live Screenshots of -Security Holes at Local Schools-.docx

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBINA #229

Learning Link: Got 15 Minutes? *NEW! December 2013*

FirstLink covers ND and Clay County MN linking people to resources – check them out!

<http://www.myfirstlink.org/>

From: Mike Detloff
Sent: Thursday, December 12, 2013 12:44 AM
To: Shannon Monroe ; David Ebinger (david.ebinger@moorheadpolice.com)
Subject: Valley News Live Story

I believe she went into Ellen Hopkins south entrance from judging at the reflection in the window as she is walking in. It looks like it occurred between 13:48:09 and ended sometime around 13:50:20 from the time and date stamps on her video. It appears it was a rush job to get the story ready for the 6 pm news but that still doesn't address the fact that she wasn't confronted or challenged by anyone in the school. The trespass statute 609.605 covers her behavior in subsection 4:

Subd. 4. **Trespasses on school property.** (a) It is a misdemeanor for a person to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless the person:

- (1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;
- (2) has permission or an invitation from a school official to be in the building;
- (3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or
- (4) has reported the person's presence in the school building in the manner required for visitors to the school.

I did not create a run as I am not positive it occurred at Hopkins. I'm hoping an SRO will recognize the school from the video and follow-up to see if there is security footage of her sneaking around the school. Let me know what else I can do to assist.

Mike

David Ebinger

From: Shannon Monroe
Sent: Wednesday, January 29, 2014 11:38 AM
To: David Ebinger (david.ebinger@ci.moorhead.mn.us)
Subject: FW: Valley News Live Story

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBINA #229

Learning Link: Got 15 Minutes? *NEW! December 2013*

FirstLink covers ND and Clay County MN linking people to resources – check them out!
<http://www.myfirstlink.org/>

From: Shannon Monroe
Sent: Thursday, December 12, 2013 8:47 AM
To: Mike Detloff; Shannon Monroe; David Ebinger
Subject: RE: Valley News Live Story

Chief,

Do you want to contact Lynn Kovash this morning to discuss this?

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBI NA #229

Learning Link: Got 15 Minutes? *NEW! August 2013*

Minnesota Office of Justice Programs Identity Theft Webpage for Victim Assistance
<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/Identity%20Theft.aspx>

From: Mike Detloff
Sent: Thursday, December 12, 2013 12:44 AM
To: Shannon Monroe ; David Ebinger (david.ebinger@moorheadpolice.com)
Subject: Valley News Live Story

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Mike

David Ebinger

From: Shannon Monroe
Sent: Thursday, December 12, 2013 9:54 AM
To: David Ebinger (david.ebinger@ci.moorhead.mn.us)
Subject: FW: Valley News Live Story
Attachments: Trespass Statute 609.605.pdf; How Secure Are Area Elementary Schools_ - Valley News Live - KVLV_KXJB - Fargo_Grand Forks.pdf; Valley News Live Screenshots of -Security Holes at Local Schools-.docx

Categories: Red Category

Chief,

Reference this news report, I spoke to the county attorney this morning and he is going to view the story online. I described to him what occurred and that we believe the video captures a violation of the above listed MN Statute. He concurs that as law enforcement, we cannot ignore the violation and will be awaiting an investigation. Preliminary work is that it appears this was at Reinertson Elementary. I believe we should have an investigation initiated.

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBI NA #229

Learning Link: Got 15 Minutes? *NEW! August 2013*
Minnesota Office of Justice Programs Identity Theft Webpage for Victim Assistance
<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/Identity%20Theft.aspx>

From: Mike Detloff
Sent: Thursday, December 12, 2013 12:44 AM
To: Shannon Monroe ; David Ebinger (david.ebinger@moorheadpolice.com)
Subject: Valley News Live Story

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I did not create a run as I am not positive it occurred at Hopkins. I'm hoping an SRO will recognize the school from the video and follow-up to see if there is security footage of her sneaking around the school. Let me know what else I can do to assist.

Mike

David Ebinger

From: Shannon Monroe
Sent: Wednesday, January 22, 2014 5:49 PM
To: Brian Melton
Cc: David Ebinger; Shannon Monroe
Subject: Re: Final Settlement KVLV - Moorhead Schools

Brian,

Our part was completed and the case was handed over to your office. Charging is ultimately your decision and I know this was not an easy one. There isn't a winning situation. When this comes out the other news and talk shows will still be vocal - but I like a logical decision and not one steered by worrying what way the political wind is blowing. What is right and what serves justice? Ms. Moore is the ignorant pawn in this mess. Does charging her solve anything or make matters worse; or does Ike believe he can get away with pushing it too far for sensationalized news and what precedent is set if you don't charge? Again, not a win is it?

I had hoped to follow the law and see it charged and let the court decide then take any lumps for following the law. I certainly understand the logic for not and if Lynn's heart wasn't in it that is too important to ignore. I don't care about going it alone because Fargo was afraid of the media, we have been there before. I am sure that as the school, going it alone weighed heavily on Lynn's mind. We will see how it goes, thanks for the update.

Shannon Monroe

Sent from my iPad

On Jan 22, 2014, at 4:13 PM, "Brian Melton" <Brian.Melton@co.clay.mn.us> wrote:

Gentlemen,

I, along with Lynn Kovash, decided ultimately not to charge Mellaney Moore with KVLV with Trespassing. Attached is a settlement agreement that all parties are going to sign regarding the case. Like I mentioned to Chief on a couple of occasions, I have spent more time thinking about this misdemeanor than on some felonies and it's time to get this thing put to bed. It is an important issue because I don't like the way KVLV does business or the fact that they sent their reporter out to break the law, with that said, I don't think we gain anything at this point by going after her when it is largely her bosses who are at fault. What you'll see from the attached agreement is that Mellaney Moore can't go into the schools for 90 days and if she was to get any other trespassing charges within the next year, then her current case would again be ripe for prosecution. All parties are also agreeing that they won't talk further to the press about the case. Fargo and West Fargo are signing similar agreements.

There had been discussion about KVLV issuing an apology. Fargo and West Fargo ultimately requested that an apology not be issued and preferred the Final Settlement Agreement that says they won't talk to the press about it further and the press/KVLV won't talk about it further. In talking with Lynn, she is okay with the agreement as well. Part of this settlement includes Moorhead Schools, Lynn and her team, sitting down with KVLV and having a meeting to discuss issues. Lynn wanted the meeting, she does want to give Ike a piece of her mind. She definitely still has some issues with him and wants to give him her point of view. I do think she had some concerns, that she had expressed to me previously, that she didn't want Moorhead Schools looking vindictive or looking like they were the only ones that

wanted a prosecution of Mellaney Moore and I would join in those issues and how Moorhead would be viewed, so I do think that this is a reasonable resolution.

I know you may not agree with this as a final resolution, but I appreciate your support. I would point out you are not part of any settlement that says you won't discuss it in the press or otherwise and you are obviously free to express your opinion on the matter as you see fit. We can meet at any time if you want to discuss the issue further. Thanks

Brian

<Final Settlement KVLV - Moorhead Schools.doc>

David Ebinger

From: Shannon Monroe
Sent: Thursday, December 12, 2013 8:47 AM
To: Mike Detloff; Shannon Monroe; David Ebinger
Subject: RE: Valley News Live Story

Chief,

Do you want to contact Lynn Kovash this morning to discuss this?

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBI NA #229

Learning Link: Got 15 Minutes? *NEW! August 2013*
Minnesota Office of Justice Programs Identity Theft Webpage for Victim Assistance
<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/Identity%20Theft.aspx>

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Sent: Thursday, December 12, 2013 12:44 AM
To: Shannon Monroe ; David Ebinger (david.ebinger@moorheadpolice.com)
Subject: Valley News Live Story

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I did not create a run as I am not positive it occurred at Hopkins. I'm hoping an SRO will recognize the school from the video and follow-up to see if there is security footage of her sneaking around the school. Let me know what else I can do to assist.

Mike

David Ebinger

From: Shannon Monroe
Sent: Thursday, December 12, 2013 10:12 AM
To: David Ebinger
Subject: RE: Valley News Live Story

Chief,

Lt. Penas assigned Detective Voxland.

Shannon Monroe
Deputy Chief of Police
Moorhead Police Department

FBI NA #229

Learning Link: Got 15 Minutes? *NEW! August 2013*

Minnesota Office of Justice Programs Identity Theft Webpage for Victim Assistance

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/Identity%20Theft.aspx>

From: David Ebinger
Sent: Thursday, December 12, 2013 10:09 AM
To: Shannon Monroe
Subject: RE: Valley News Live Story

Shannon,

The violation of MN Statute appears to be pretty clear cut. Proceed with an investigation and forward the file to the County Attorney for a decision on charging.

I spoke to Lynne Kovash and she confirmed that the school involved is Reinertsen and that the below listed statute is posted on all entrances, she will check on security video.

David Ebinger, Chief of Police
Moorhead Police Department
915 9th Avenue North
Moorhead, Minnesota 56561

Office:(218) 299-5123
FAX: (218) 299-5185

From: Shannon Monroe
Sent: Thursday, December 12, 2013 9:54 AM
To: David Ebinger (david.ebinger@ci.moorhead.mn.us)
Subject: FW: Valley News Live Story

Chief,

Reference this news report, I spoke to the county attorney this morning and he is going to view the story online. I described to him what occurred and that we believe the video captures a violation of the above listed MN Statute. He

concur that as law enforcement, we cannot ignore the violation and will be awaiting an investigation. Preliminary work is that it appears this was at Reinertson Elementary. I believe we should have an investigation initiated.

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Mike

David Ebinger

From: Morris, Tara <MorrisT@casscountynd.gov>
Sent: Thursday, December 12, 2013 3:47 PM
To: kternes@cityoffargo.com; David Todd; David Ebinger; Shannon Monroe; arland.rasmussen@westfargond.gov; fruehj@fargo.k12.nd.us; Konschak, Heather; Mike Reitan (michael.reitan@westfargond.gov)
Cc: Laney, Paul; Majerus, Richard; Harmon, Michele
Subject: Valley News Live School Security Story

Hello All,

I just wanted to inform you of a discussion I had with Ike Walker from Valley News Live and the reporter that went into the area elementary schools yesterday. I am being hounded by them to give a statement as the Unified School Response Coordinator. I have made it clear to them that while I coordinate best practice efforts in this realm, I do not comment on the policies and procedures of the individual school districts and LE agencies. I have made it very clear they need to contact you directly to request a response to their story.

They are now, after our discussion, very well aware they violated City of Fargo ordinance 10-0320 and the statute covered by MN Century Code (and in my opinion student rights). However, they are still standing by what they did and currently Ike Walker and I are agreeing to disagree.

I am at your disposal for any assistance you may need.

Tara Morris

Sergeant

Cass County Sheriff's Office

211 9th Street South

Fargo, ND 58103

Desk: (701) 241-5829

Cell: (701) 429-8593

morrist@casscountynd.gov

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www.facebook.com/CassCountySO

Terms of Mediated Settlement Agreement:

This Settlement Agreement is between the following parties – Moorhead Public School District, (hereinafter, the “District”), Moorhead City Prosecutor, KVLV – Valley News Live or any entity associated with KVLV – Valley news Live, including KXJB, (hereinafter, “KVLV”) and KVLV Reporter, Mellaney Moore. The purpose of this agreement is to come to a complete and final agreement relating to the alleged trespassing upon school property by KVLV reporter, Mellaney Moore, as directed by KVLV station management.

The parties desire to resolve all matters arising out of the December 11, 2103 investigative report relating to school security done by KVLV reporter, Mellaney Moore.

1. Neither the District, KVLV nor Mellaney Moore will make any public statements about the matter, nor will they comment further on Mellaney Moore coming into the Moorhead Public Schools on December 11, 2103. No further comments, except that the District may state that it chose not request charges against Ms. Moore if asked for comment, will be made by any party on Facebook, Twitter or any other social media, including the KVLV website, regarding the December 11, 2013 investigative report, nor about this agreement.
2. The prosecutor for the City of Moorhead, County Attorney Brian Melton, will agree to decline prosecution of Mellaney Moore for trespassing relating to the December 11, 2013 incident. However, if Ms. Moore violates any other trespassing ordinance or state statute relating to trespassing, within the next 12 months, the December 11, 2013 matter relating to Mellaney Moore will again be ripe for prosecution upon notice to the prosecutor.
3. KVLV will not assign Mellaney Moore to cover any story relating to the Moorhead Public Schools for the next 90 days.
4. The District and KVLV agree that neither party will take any retaliatory action against the other following this agreement. The District agrees to provide access to all media outlets as the law requires. KVLV agrees to follow all state and local laws while providing news coverage and investigative reporting.
5. Nothing in this agreement requires KVLV to refrain from further coverage of the Moorhead Schools, nor does it require KVLV to discontinue investigative reporting as it relates to the School District or any other newsworthy entity.
6. Nothing herein shall prevent or prohibit the District from disclosing this Agreement pursuant to a request pursuant to the Minnesota Data Practices Act.
6. This agreement constitutes the entire agreement among the parties, and there are no other understandings or agreements, written or oral, among them on the subject.

I HAVE READ THIS SETTLEMENT AGREEMENT AND UNDERSTAND ALL OF ITS TERMS.

Date: _____

Date: _____

Ike Walker, News Director KVLV
Valley News Live

Jim Wareham, General Manager, KVLV
Valley New Live

I HAVE READ THIS SETTLEMENT AGREEMENT AND UNDERSTAND ALL OF ITS TERMS.

Date: _____

Date: _____

Mellaney Moore, KVLV Reporter
Valley News Live

Lisa N. Borgen, Vogel Law Firm
Attorney for Mellaney Moore

I HAVE READ THIS SETTLEMENT AGREEMENT AND UNDERSTAND ALL OF ITS TERMS.

Date: _____

Date: _____

Lynn Kovash,
Superintendent Moorhead Public Schools

I HAVE READ THIS SETTLEMENT AGREEMENT AND UNDERSTAND ALL OF ITS TERMS.

Date: _____

Brian J. Melton, Clay County Attorney
Prosecuting Attorney for City of Moorhead



Do It Yourself Alarm

simplisafe.com/DoItYourselfAlarm

CNN Feature Story "The D" Do It Yourself Alarm System

How Secure Are Area Elementary Schools?

Posted: Dec 11, 2013 7:07 PM CST

Updated: Dec 11, 2013 7:30 PM CST

A concerned parent, who also is employed at Fargo Public Schools, called us this morning to blow the whistle after seeing an investigative story on the Today show about security of schools around the country.

She said we needed to find out why elementary schools in the Fargo-Moorhead area have little to no security at the front, so Valley News Team's Mellaney Moore did some investigating of her own.

She went into several area schools with a hidden camera to see just how safe our students really are. She found that in the middle of the school day, as a stranger, she could walk right into one of the area's elementary schools.

Mellaney visited three schools Dec. 11. The first was an elementary school in West Fargo. As she walked in and passed the front desk, there were no questions asked.

She saw classrooms and students waiting in line to eat in the cafeteria.

She passed staff and faculty in the hallway without any questions before showing herself out and heading to the second school.

Mellaney was surprised to find that at the second school in Fargo, she still wasn't intercepted by any sort of security.

She walked alongside students through the hallways of classrooms, lockers and even faculty. One can't even imagine what could happen.

Mellaney even met one faculty member who was more than willing to direct her to any classroom:

"Are you looking for the kindergarten wing or the first grade wing?" she asked.

Instead of asking who Mellaney was, why she was there and if she had stopped to sign in at the front office. Again, she showed herself out.

Her last school was an elementary school in Moorhead. She thought that surely this time there would be security, but again, she walked in without a problem.

She saw common areas, classrooms and got a tour of the school's library. Nobody ever asked who she was.

The security expert in the Dec. 11 Today show report said the first and best line of defense is at the front door of any school.

Mellaney reached out to all three school districts for a response and only heard back from West Fargo. They say they have funds available to change the way someone can enter their elementary schools, routing all foot traffic through the office. Construction would be completed next year as long as plans are passed in January.

As far as Fargo and Moorhead Public Schools, we are still waiting for a response.

Advertisement



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20 celebrities we didn't know were gay before they came out.



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Fargo - All North Dakota drivers should not pay their insurance bill, until they read this.



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OFFICE OF THE CLAY COUNTY ATTORNEY

BRIAN J. MELTON, CLAY COUNTY ATTORNEY
HEIDI M.F. DAVIES, *Chief Assistant, Criminal Div.*
JENNY M. SAMARZJA, *Chief Assistant, Civil Div.*

Assistant County Attorneys:
GREGG S. JENSEN
PAMELA L. HARRIS
CHERYL R. DUYSSEN
LORI H. CONROY
JOHNATHAN R. JUDD



Clay County Courthouse
807 11th Street North
P.O. Box 280
Moorhead, MN 56561-0280

Voice: 218.299.5035
Fax: 218.299.7281

Victim Services:
MICHELLE OLSONOSKI
LINDSEY BURKHARDT

REFERRAL RESPONSE

This is simply to inform you that the referral cited below has been the subject of a review by the Clay County Attorney's Office and a decision to decline prosecution has resulted at this time.

TO: Moorhead Police Department
Joel Voxland

FROM: Brian J. Melton, Clay County Attorney

RE: Mellaney Victoria Moore
ICR No: 13028570

DATE: January 29, 2014

DECLINED FOR PROSECUTION

Reason(s) for Declining Prosecution:

Prosecutorial Discretion.

If you have any questions, please do not hesitate to call. Thank you.

Dated: January 29, 2014.

CLAY COUNTY ATTORNEY'S OFFICE



BRIAN J. MELTON 0278002
Clay County Attorney
Clay County Courthouse
807 North 11th Street, P.O. Box 280
Moorhead, MN 56561-0280
(218) 299-5035

Clay County Courthouse
807 11th Street North
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Moorhead, Minnesota 56561-0280

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609.605 TRESPASS.

Subdivision 1. **Misdemeanor.** (a) The following terms have the meanings given them for purposes of this section.

(1) "Premises" means real property and any appurtenant building or structure.

(2) "Dwelling" means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be part of a multidwelling or multipurpose building, or a manufactured home as defined in section 168.002, subdivision 16.

(3) "Construction site" means the site of the construction, alteration, painting, or repair of a building or structure.

(4) "Owner or lawful possessor," as used in paragraph (b), clause (9), means the person on whose behalf a building or dwelling is being constructed, altered, painted, or repaired and the general contractor or subcontractor engaged in that work.

(5) "Posted," as used:

(i) in paragraph (b), clause (4), means the placement of a sign at least 8-1/2 inches by 11 inches in a conspicuous place on the exterior of the building, or in a conspicuous place within the property on which the building is located. The sign must carry a general notice warning against trespass;

(ii) in paragraph (b), clause (9), means the placement of a sign at least 8-1/2 inches by 11 inches in a conspicuous place on the exterior of the building that is under construction, alteration, or repair, or in a conspicuous place within the area being protected. If the area being protected is less than three acres, one additional sign must be conspicuously placed within that area. If the area being protected is three acres but less than ten acres, two additional signs must be conspicuously placed within that area. For each additional full ten acres of area being protected beyond the first ten acres of area, two additional signs must be conspicuously placed within the area being protected. The sign must carry a general notice warning against trespass; and

(iii) in paragraph (b), clause (10), means the placement of signs that:

(A) carry a general notice warning against trespass;

(B) display letters at least two inches high;

(C) state that Minnesota law prohibits trespassing on the property; and

(D) are posted in a conspicuous place and at intervals of 500 feet or less.

(6) "Business licensee," as used in paragraph (b), clause (9), includes a representative of a building trades labor or management organization.

(7) "Building" has the meaning given in section 609.581, subdivision 2.

(b) A person is guilty of a misdemeanor if the person intentionally:

(1) permits domestic animals or fowls under the actor's control to go on the land of another within a city;

(2) interferes unlawfully with a monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land;

(3) trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor;

(4) occupies or enters the dwelling or locked or posted building of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation;

(5) enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing on the premises, without the permission of the owner or occupant;

(6) enters or is found on the premises of a public or private cemetery without authorization during hours the cemetery is posted as closed to the public;

(7) returns to the property of another with the intent to abuse, disturb, or cause distress in or threaten another, after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;

(8) returns to the property of another within one year after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;

(9) enters the locked or posted construction site of another without the consent of the owner or lawful possessor, unless the person is a business licensee;

(10) enters the locked or posted aggregate mining site of another without the consent of the owner or lawful possessor, unless the person is a business licensee; or

(11) crosses into or enters any public or private area lawfully cordoned off by or at the direction of a peace officer engaged in the performance of official duties. As used in this clause: (i) an area may be "cordoned off" through the use of tape, barriers, or other means conspicuously placed and identifying the area as being restricted by a peace officer and identifying the responsible authority; and (ii) "peace officer" has the meaning given in section 626.84, subdivision 1. It is an affirmative defense to a charge under this clause that a peace officer permitted entry into the restricted area.

Subd. 2. Gross misdemeanor. Whoever trespasses upon the grounds of a facility providing emergency shelter services for battered women, as defined under section 611A.31, subdivision 3, or of a facility providing transitional housing for battered women and their children, without claim of right or consent of one who has right to give consent, and refuses to depart from the grounds of the facility on demand of one who has right to give consent, is guilty of a gross misdemeanor.

Subd. 3. [Repealed, 1993 c 326 art 2 s 34]

Subd. 4. Trespasses on school property. (a) It is a misdemeanor for a person to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless the person:

(1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;

(2) has permission or an invitation from a school official to be in the building;

(3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or

(4) has reported the person's presence in the school building in the manner required for visitors to the school.

(b) It is a misdemeanor for a person to be on the roof of a public or nonpublic elementary, middle, or secondary school building unless the person has permission from a school official to be on the roof of the building.

(c) It is a gross misdemeanor for a group of three or more persons to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless one of the persons:

(1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;

(2) has permission or an invitation from a school official to be in the building;

(3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or

(4) has reported the person's presence in the school building in the manner required for visitors to the school.

(d) It is a misdemeanor for a person to enter or be found on school property within one year after being told by the school principal or the principal's designee to leave the property and not to return, unless the principal or the principal's designee has given the person permission to return to the property. As used in this paragraph, "school property" has the meaning given in section 152.01, subdivision 14a, clauses (1) and (3).

(e) A school principal or a school employee designated by the school principal to maintain order on school property, who has reasonable cause to believe that a person is violating this subdivision may detain the person in a reasonable manner for a reasonable period of time pending the arrival of a peace officer. A school principal or designated school employee is not civilly or criminally liable for any action authorized under this paragraph if the person's action is based on reasonable cause.

(f) A peace officer may arrest a person without a warrant if the officer has probable cause to believe the person violated this subdivision within the preceding four hours. The arrest may be made even though the violation did not occur in the peace officer's presence.

Subd. 5. Certain trespass on agricultural land. (a) A person is guilty of a gross misdemeanor if the person enters the posted premises of another on which cattle, bison, sheep, goats, swine, horses, poultry, farmed cervidae, farmed ratitae, aquaculture stock, or other species of domestic animals for commercial production are kept, without the consent of the owner or lawful occupant of the land.

(b) "Domestic animal," for purposes of this section, has the meaning given in section 609.599.

(c) "Posted," as used in paragraph (a), means the placement of a sign at least 11 inches square in a conspicuous place at each roadway entry to the premises. The sign must provide notice of a biosecurity area and wording such as: "Biosecurity measures are in force. No entrance beyond this point without authorization." The sign may also contain a telephone number or a location for obtaining such authorization.

(d) The provisions of this subdivision do not apply to employees or agents of the state or county when serving in a regulatory capacity and conducting an inspection on posted premises where domestic animals are kept.

History: 1963 c 753 art 1 s 609.605; 1971 c 23 s 62; 1973 c 123 art 5 s 7; 1976 c 251 s 1; 1978 c 512 s 1; 1981 c 365 s 9; 1982 c 408 s 2; 1985 c 159 s 2; 1986 c 444; 1987 c 307 s 3; 1989

c 5 s 9; 1989 c 261 s 5; 1990 c 426 art 1 s 54; 1993 c 326 art 1 s 14; art 2 s 13; art 4 s 32; 1993 c 366 s 13; 1994 c 465 art 1 s 60; 1995 c 226 art 3 s 48; 2004 c 254 s 46; 2005 c 136 art 17 s 41,42; 2009 c 59 art 5 s 15; 2009 c 123 s 14

Start of Story at 12:49:10 in West Fargo



Walks out of West Fargo at 12:53:05

Walks into Fargo Elementary at 13:25:26



Walks out at 13:28:29

Walks into a Moorhead Elementary School at 13:48:09



How Secure Are Area Elementary Schools?



How Secure Are Area Elementary Schools?





End of footage at 13:50:20

How Secure Are Area Elementary Schools?

01:58/02:59

EMAIL

EMBED

SHARE

HELP

SECURITY HOLES AT LOCAL SCHOOLS

The image shows a video player interface. The main content is a video of a woman with long blonde hair speaking. A large, semi-transparent play button is centered over the video. Below the video, there is a progress bar showing the current time as 01:58 out of a total duration of 02:59. The video title "How Secure Are Area Elementary Schools?" is displayed in white text on a dark background. To the right of the video, there are four buttons: "EMAIL", "EMBED", "SHARE", and "HELP", each with a corresponding icon. At the bottom of the video player, there are additional controls including a play/pause button, a volume icon, and a full-screen button. The text "SECURITY HOLES AT LOCAL SCHOOLS" is visible in the bottom left corner of the video frame.