

<p>MESA POLICE</p> <p>Department Policy Manual</p>	<p>Concurrent Investigations</p>	<p>DPM 2.1.11 Effective Date 08/17/2020 Revised 04/21/2026</p>
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1. PURPOSE [ALEAP 1.6A,B]

This policy establishes guidelines for Mesa Police Department (MPD) members for concurrent criminal and administrative investigations of qualifying incidents, as well as review and investigation of other categorical incidents.

2. DEFINITIONS

Administrative Investigators: Members of Internal Affairs (IA) and the Training Division responsible for internal administrative investigations and training evaluations of specified incidents.

Administrative Review Findings: A conclusion, based upon a preponderance of the evidence, regarding whether a member's actions during an incident complied with Department policy. It also identifies potential needs for policy updates, training improvements, or equipment adjustments.

Categorical Incidents: Any incident involving action by a member classified as a Category 1 Critical Incident, Category 2 Critical Incident, or Category 3 Incident, which are further defined below. [DPM 2.1.11A1 Concurrent Investigations Addendum](#) provides examples of each type.

1. **Category 1 Critical Incident:** An incident requiring immediate scene response by criminal and administrative investigators and mandatory Critical Incident Review Board (CIRB) review.
2. **Category 2 Critical Incident:** An incident requiring a post-scene administrative review and discretionary CIRB review.
3. **Category 3 Incident:** All other incidents requiring a standard use of force response, investigation, notification, and reporting protocols set forth in [DPM 2.1.1 Use of Force](#).

Concurrent Investigation: Separate criminal and administrative investigations that are conducted at the same time.

Criminal Investigators: Those responsible for the criminal investigation of an incident, which may include members of the Homicide Unit, Traffic Section, Criminal Investigations Unit (CIU) or, for qualifying incidents, East Valley Critical Incident Response Team (EVCIRT) from outside agencies.

Critical Incident Review Board (CIRB): A group responsible for reviewing the reports prepared by the criminal investigators and administrative investigators. CIRB members provide non-binding commentary related to whether the actions of the involved member(s) were within departmental policy, as well as commentary regarding policy, tactics, training, equipment, supervision, and member actions.

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Deadly Force: Any application of force that is used with the purpose of causing death or serious physical injury or in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical injury.

In-Custody Death (ICD): The death of an individual while in-custody or while an attempt to effect custody was made.

Non-Involved Supervisor: A supervisor who may be at the scene and witnessed the incident but was not directly involved in the application of force.

Physical Injury (Temporary): The impairment of physical condition. For the purposes of this policy, physical injury is described as temporary but substantial disfigurement; temporary but substantial loss or impairment of any body organ or part; or a fracture of any body part.

Responder Education and Stress Exposure Training (RESET): Training provided to members substantially involved in a Category 1 Critical Incident, or as directed by the Chief of Police.

Serious Physical Injury (Permanent): Physical injury that creates a reasonable risk of death or that causes serious and permanent disfigurement, serious impairment of health, or loss or protracted impairment of the function of any bodily organ or limb.

Training Evaluation: An assessment of an incident carried out by the Training Division, aimed at enhancing individual and Department performance. This evaluation involves analyzing the events leading up to the incident, identifying the factors that contributed to it, and determining strategies for improving performance in the future.

3. GENERAL [ALEAP 1.6A,B]

3.1 Category 1 Critical Incidents | Concurrent Investigations

- A. Concurrent investigations are initiated for Category 1 Critical Incidents as defined by this policy and receive mandatory CIRB review.
 1. See [DPM 2.1.11A1 Concurrent Investigations Addendum](#) for examples of Category 1 Critical Incidents.
 2. See [DPM 1.1.65 Critical Incident Review Board](#) for further information on the CIRB.
- B. The goal of the concurrent investigation is to determine whether a member's actions conform with applicable criminal law ("criminal investigation") and policies, procedures, and training ("administrative investigation").
- C. Where criminal and administrative investigations are proceeding concurrently, the criminal investigation takes precedence over the administrative investigation.

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1. Criminal investigators have the first opportunity to interview witnesses and review evidence.
 2. Criminal and administrative investigators will control their own separate investigations, respectively.
 3. A definitive separation will be maintained between the criminal and administrative investigations.
- D. Information obtained from the criminal investigation can be shared with administrative investigators; but administrative investigators **shall not** disclose to criminal investigators *any* information obtained from their separate administrative investigation.
 - E. Information from a Garrity-protected administrative investigation interview or any information derived from the Garrity-protected interview **shall not** be shared with the Maricopa County Attorney's Office (MCAO) for purposes of their review or prosecution of the criminal investigation.
 - F. The purpose of this policy is to prevent the intentional or inadvertent use of a member's compelled statement in criminal prosecution against the member.
 - G. Both the criminal and administrative investigations are intended to promote community trust and enhance transparency.

3.2 Category 2 Critical Incidents

- A. Category 2 Critical Incidents receive post-scene administrative review by IA and the Training Division.
- B. See [DPM 2.1.11A1 Concurrent Investigations Addendum](#) for examples of Category 2 Critical Incidents.
- C. CIRB review is on a case-by-case basis. See [DPM 1.1.65 Critical Incident Review Board](#).

3.3 Category 3 Incidents

- A. Category 3 Incidents follow standard use of force reporting protocols pursuant to [DPM 2.1.1 Use of Force](#).
- B. See [DPM 2.1.11A1 Concurrent Investigations Addendum](#) for examples of Category 3 Incidents.

3.4 Chief of Police Discretion

- A. The Chief of Police or designee may, at their discretion, classify **any incident** as a Categorical Incident in the best interest of the Department.
- B. The determination of the specific type of Categorical Incident will be made by the Chief of Police or their designee on a case-by-case basis.

3.5 Criminal Misconduct

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- A. If a supervisor determines at any stage of an investigation or review process that there is apparent criminal misconduct by a member, the supervisor shall immediately notify their chain of command to determine the appropriate course of action.

4. RESPONSIBILITIES & REQUIRED NOTIFICATIONS [ALEAP 1.6A,B]

4.1 Category 1 & 2 Critical Incidents

- A. The initiation of a criminal and/or an administrative investigation is based on protocols set forth in this policy.
- B. The supervisor on scene of the incident shall ensure safety and security of the scene.
- C. A non-involved supervisor, after becoming aware of or being notified of a potential **Category 1** or **Category 2 Critical Incident**, shall immediately respond to the scene, if not already present, and conduct a preliminary screening. The on-scene, non-involved supervisor shall:
1. Visibly inspect the affected subject(s) for injury, interview for complaints of injury, and ensure needed medical attention is received when necessary; and
 2. Notify their chain of command.
- D. The on-scene lieutenant or their designee will ensure notifications are made to:
1. The Homicide and/or Traffic Lieutenant(s) for incidents classified as a Category 1 Critical Incident; and
 2. The IA Lieutenant and Advanced Training Lieutenant.
 - a. This notification shall be made no later than **one hour** after the actual time of the incident and is required for both Category 1 and Category 2 Critical Incidents.
- E. For incidents requiring investigation by the EVCIRT, the Department Liaison will ensure notification is made to the EVCIRT Team Lead in accordance with [EVCIRT Manual](#) procedures.
- F. The notified Homicide and/or Traffic Lieutenant(s), IA Lieutenant and Advanced Training Lieutenant will further notify their respective commanders.
- G. The lieutenant(s) will access the investigative resources required and decide whether investigators should respond to the scene or conduct a post-scene review.
- H. The Use of Force Report will be completed by the following:
1. For **Category 1 Critical Incidents**, IA; or
 2. For **Category 2 Critical Incidents**, the non-involved supervisor.

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3. When applicable, the Police Service Dog (PSD) Sergeant or non-involved supervisor completes the Service Dog Utilization Module in BlueTeam. See [DPM 2.1.1 Use of Force](#).

4.2 Category 3 Incidents

- A. The non-involved supervisor, after becoming aware of or being notified of a **Category 3 Incident**, shall follow the standard response, investigation, notification, and reporting procedures set forth for supervisors in [DPM 2.1.1 Use of Force](#).

5. CRIMINAL INVESTIGATION [ALEAP 1.6A,B]

- A. The purpose of the criminal investigation of **Category 1 Critical Incidents** is to determine any potential criminal violations related to the incident.
 1. For incidents that require investigation by the EVCIRT, the investigation will be carried out by the EVCIRT Team following the procedures outlined in the [EVCIRT Manual](#).
- B. To develop an understanding of the scene and identify potential physical evidence, criminal investigators may complete a **crime scene walk-through** with involved member(s) of a concurrent investigation.
- C. Administrative investigators **shall not** accompany criminal investigators during a crime scene walk-through.
- D. After the involved member(s) is/are released from the scene, the criminal case agent will provide the administrative investigators a briefing on scene.
- E. Administrative investigators will not interview member(s) the same day of the incident, unless approved by the Chief of Police or designee.
- F. The completed criminal investigation will be submitted to the MCAO for review, and a copy will be forwarded to IA.
- G. The original reports will be filed in the Criminal Justice Information Division (CJID).

6. ADMINISTRATIVE INVESTIGATION [ALEAP 1.6A,B]

6.1 General

- A. The administrative investigation is intended to determine whether violations of departmental policy, procedures, or training have occurred and, if so, whether disciplinary action is recommended or modifications to policy, procedures, or training are required. Whenever an administrative investigation could result in disciplinary action, the Department will follow and comply with [DPM 1.4.10 Disciplinary Process](#) and [A.R.S. § 38-1101](#), *et. seq.*

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- B. The Department will conduct an internal administrative investigation as follows:
1. For **Category 1 Critical Incidents**, members of IA and the Training Division respond to the scene to initiate the administrative investigation.
 - a. The purpose of the scene response is to accomplish the following:
 - Receive a briefing from on-scene personnel;
 - Interview civilian witnesses;
 - Canvas the scene;
 - Walk through the scene before the scene is lost;
 - Inspect Department equipment; and/or
 - Review other safety issues.
 2. For **Category 2 Critical Incidents**, IA & the Training Division will conduct a post-scene administrative review.
 - C. In evaluating issues of concern regarding policy, administrative investigators will consider whether the policy is appropriate and whether changes should be made to clarify any ambiguity.
 - D. In evaluating issues of concern regarding supervision, administrative investigators will consider whether the supervisory response was appropriate and consistent with policy.

6.2 Internal Affairs Responsibilities

- A. When IA investigators respond to the scene of a critical incident, they will not speak with involved member(s) regarding the incident unless directed to by the Chief of Police or designee.
 1. IA investigators may conduct additional interviews at a later time to include taking statements if additional information is deemed necessary.
- B. When a member provides a statement to criminal investigators, IA may adopt those statements for their purposes and decide if any additional questions need to be asked based upon the needs of the administrative investigation. This alleviates the need for the members to provide multiple statements to questions previously asked/answered.
- C. In the event an involved member has elected **not** to provide criminal investigators with a voluntary statement, the assigned administrative investigator **shall** conduct a compelled administrative investigation interview to determine all relevant information.
 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the member's physical and psychological needs have been addressed before commencing the interview.
 2. Interviews of members shall adhere to [DPM 1.4.25 Internal Affairs](#).
 3. Involved members are obligated to provide a statement to IA investigators as a condition of employment.

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- a. The statement will be for administrative investigation purposes only and, with the exception of perjury, cannot be used in a subsequent criminal prosecution, nor can the information be disclosed to criminal investigators.
- b. Involved members will be given an administrative investigation order to provide full and truthful answers to all questions during any related interview with an IA investigator.
- 4. Criminal investigators **shall not** be present during IA questioning.
- 5. The training evaluator may monitor the IA interview after being admonished. This observation will assist the evaluator in conducting a thorough training evaluation.
- D. IA shall complete its investigation within **60 days** unless an extension is granted by the Chief of Police or designee.
- E. Upon completion of the internal administrative investigation, IA will prepare a written report of its Administrative Review Findings to the CIRB. See [DPM 1.11.65 Critical Incident Review Board](#) for further information on CIRB.

6.3 Training Division Responsibilities

- A. In addition to the internal administrative investigation conducted by IA, the Training Division will concurrently complete a training evaluation for all **Category 1 Critical Incidents**.
- B. **Category 2 Critical Incidents** receive a post-scene review, which may result in the initiation of a training evaluation.
- C. The training evaluation examines what happened prior to the incident, why it happened, and what can be done differently to improve performance; and determines whether recommendations or modifications to tactics, training and/or equipment should be considered.
- D. In evaluating **tactical** issues, the Training Division will assess whether the member's decision-making properly considered:
 - 1. De-escalation opportunities;
 - 2. Timing and space considerations;
 - 3. Best practices; and
 - 4. Safety of the subject(s), member(s), and the public.
- E. In evaluating issues of concern regarding **training**, the Training Division will consider not only whether the involved member(s) should receive additional training, but also the scope of the training and whether all Department members should receive additional training.
- F. In evaluating concerns regarding **equipment**, the Training Division considers whether:
 - 1. The member had access to the right equipment to resolve the situation;
 - 2. Equipment appeared to function properly or improperly;

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- 3. Changes in equipment type should be made in the future; and
- 4. Policy and training adequately address the equipment members will use in similar situations.
- G. Matters deemed to be of an urgent nature will be addressed expeditiously.
- H. The Training Division shall complete its evaluation **within 60 days** unless an extension is granted by the Chief of Police or designee.
- I. After completing its review, the Training Division shall submit a training memo to the CIRB.

7. EXECUTIVE PRESENTATION [ALEAP 1.6A,B]

7.1 Timeline

- A. Following all Category 1 Critical Incidents (and Category 2 Critical Incidents on a case-by-case basis), an Executive Presentation may be scheduled **within 3 to 7 days** (or as otherwise directed by the Chief of Police) to provide the Chief of Police or designee with preliminary information about the incident.
- B. For cases investigated by the EVCIRT, the Homicide Unit Liaison will coordinate the presentation date as soon as practical with the primary investigative agency.

7.2 Representation

- A. The Executive Presentation will be comprised of the following individuals:
 - 1. Chief of Police;
 - 2. Assistant Chiefs;
 - 3. Legal Advisor;
 - 4. Involved Members' Division Commander(s);
 - 5. Homicide and/or Traffic Unit representative;
 - 6. IA representative;
 - 7. Training Division representative; and
 - 8. CIRB Chairperson/Co-Chair.

7.3 Presentation

- A. The criminal case agent will provide a presentation describing what is known about the incident. At the conclusion, all criminal investigators will leave the room.
- B. The Training Division and IA will be prepared to verbally discuss and provide input as to their initial assessment of the tactical, training, and administrative factors involved.

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7.4 Post Review

- A. Following their initial review at an Executive Presentation, the criminal and administrative investigators will discuss employed tactics, the performance of equipment, the need for additional or specialized equipment, and an evaluation of applicable departmental policy.

8. CRITICAL INCIDENT REVIEW BOARD [ALEAP 1.6A,B]

- A. The CIRB convenes to conduct reviews of:
 1. All **Category 1 Critical Incidents**;
 2. **Category 2 Critical Incidents** on a case-by-case basis; and
 3. Any other incident at the discretion of the Chief of Police or designee when in the best interest of the Department. This may include matters of particularly heightened community interest or concern.
- B. For comprehensive information on CIRB membership and attendance as well as responsibilities of and procedures for the CIRB, please see [DPM 1.11.65 Critical Incident Review Board](#).

9. RESPONDER EDUCATION AND STRESS EXPOSURE TRAINING (RESET)

9.1 General

- A. The Training Division provides RESET to members substantially involved in a **Category 1 Critical Incident**, or as directed by the Chief of Police.
- B. RESET is not an inquiry into the specific details of the incident; its purpose is to provide education and training on skills, tactics, and policy areas associated with the incident (e.g., foot pursuit, arrest tactics, or use of force), without recreating the incident itself.
- C. RESET may include scenario-based training involving stressful decision-making related to the subject matter of the incident; however, scenarios will not replicate the incident and will differ in circumstances and sequence.
- D. RESET may not apply to the Special Operations Division and its members substantially involved in a **Category 1 Critical Incident** unless directed by the Chief of Police.
- E. The CIRB or concurrent investigations process may identify or recommend supplemental training for members due to job performance, evaluations, inspections, or observed deficiency. See [DPM 1.5.6 Supplemental Training](#).

9.2 Division Commander Responsibilities

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- A. The Division Commander shall:
1. Identify all members who were substantially involved in the event;
 2. Complete [DPM 1.5F11 RESET Request Form](#) for each member involved;
 3. Determine the relevant training topics identified during the Executive Presentation (i.e., vehicle operations, foot pursuits, barricades, hostage response, carjackings, etc.), and include, at a minimum, the following mandatory subjects:
 - a. Use of Force policy; and
 - b. Critical Decision Making (CDM).
 4. In the event there is no Executive Presentation, confer with the Advanced Training Lieutenant; and
 5. Ensure that all substantially involved members attend the RESET.

9.3 Training Division Responsibilities

- A. The Training Division Commander shall ensure that:
1. RESET notifications are made to the respective commanders of members substantially involved in the event.
 2. Advanced Training members provide the RESET on only the identified subject matter and do not conduct interviews of the officers to determine specific facts related to the incident; and
 3. The Advanced Training Sergeant completes and returns [DPM 1.5F11 RESET Request Form](#) to the affected Division Commander(s) through the chain of command.
- B. RESET should be documented upon completion and notification sent to the CIRB. The documentation will also be included in the member's training matrix, including training topics and hours.

9.4 Training Completion Timeline

- A. RESET must be:
1. Scheduled within **10 days** of returning to duty.
 2. Completed within **30 days** of returning to duty.

REFERENCES

- [A.R.S. § 38-1101 – 1110 & A.R.S. § 38-1161](#)
- [DPM 1.4.10 Disciplinary Process](#)
- [DPM 1.4.25 Internal Affairs](#)
- [DPM 1.5F11 RESET Request Form](#)
- [DPM 1.5.6 Supplemental Training](#)
- [DPM 1.11.65 Critical Incident Review Board](#)

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- [DPM 2.1.1 Use of Force](#)
- [DPM 2.1.11A1 Concurrent Investigations Addendum](#)
- [EVCIRT Manual](#)