



# Use of Force Recommendation 01

*CONCURRENT INVESTIGATIONS*



# Agenda

---

- Objectives
- Recommendation Highlights
- Investigation Comparison
- Current Process
- Recommended Process
- Consecutive vs Concurrent
  - Advantages and Disadvantages
- Industry Trends
- Proposed Action
- Decision Points
- Questions





# Objectives

---

- To implement an investigative framework that requires a prompt administrative review of ALL critical use of force incidents by a multidisciplinary investigative team, identified as Force Investigation Team.
- To implement timely updates to policy, equipment and training protocols thereby mitigating the effects or reducing the number of similar critical incidents.
- To align critical incident investigations at MPD with industry best practices and other agencies.



## Recommendation Highlights

- Form a dedicated team comprised of multi-disciplinary investigators from Training and Professional Standards to conduct administrative investigations.
- Conduct administrative and criminal investigations concurrently for ALL qualified use of force incidents.
- Attain timely resolution of deficiencies identified during the administrative investigation relative to policy, training, and risk management implications.

**Merrick Bobb**  
**Police Assessment Resource Center (PARC)**

# Differences Between Investigations

---

## Criminal

- Assess whether any laws were violated
- Constitutionally a subject employee is not required to participate in interview
- Constitutionally protected from self-incrimination
- Constitutionally has a right to legal counsel during questioning

Sharing  
Information

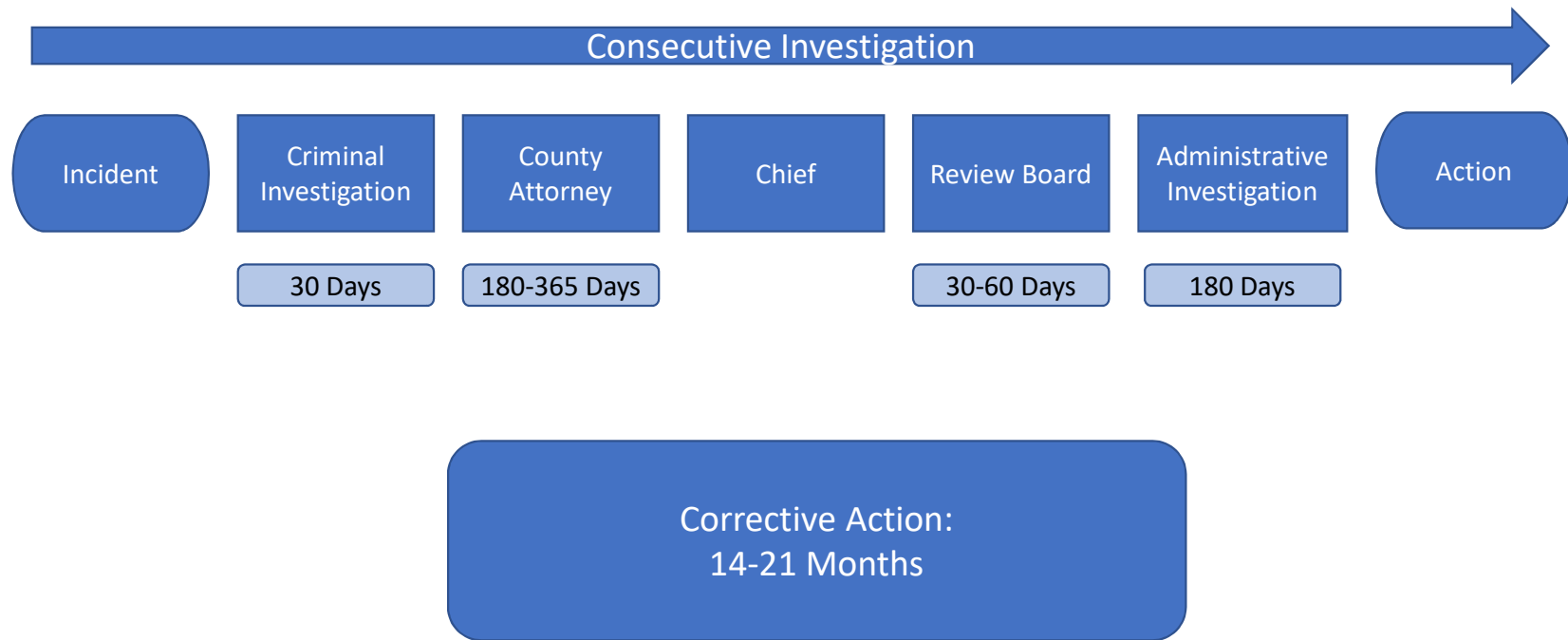


## Administrative

- Adherence to department training and procedures
- Employee has a duty to cooperate with interview
- Compelled to answer questions under threat of dismissal
- Right to representation during interview

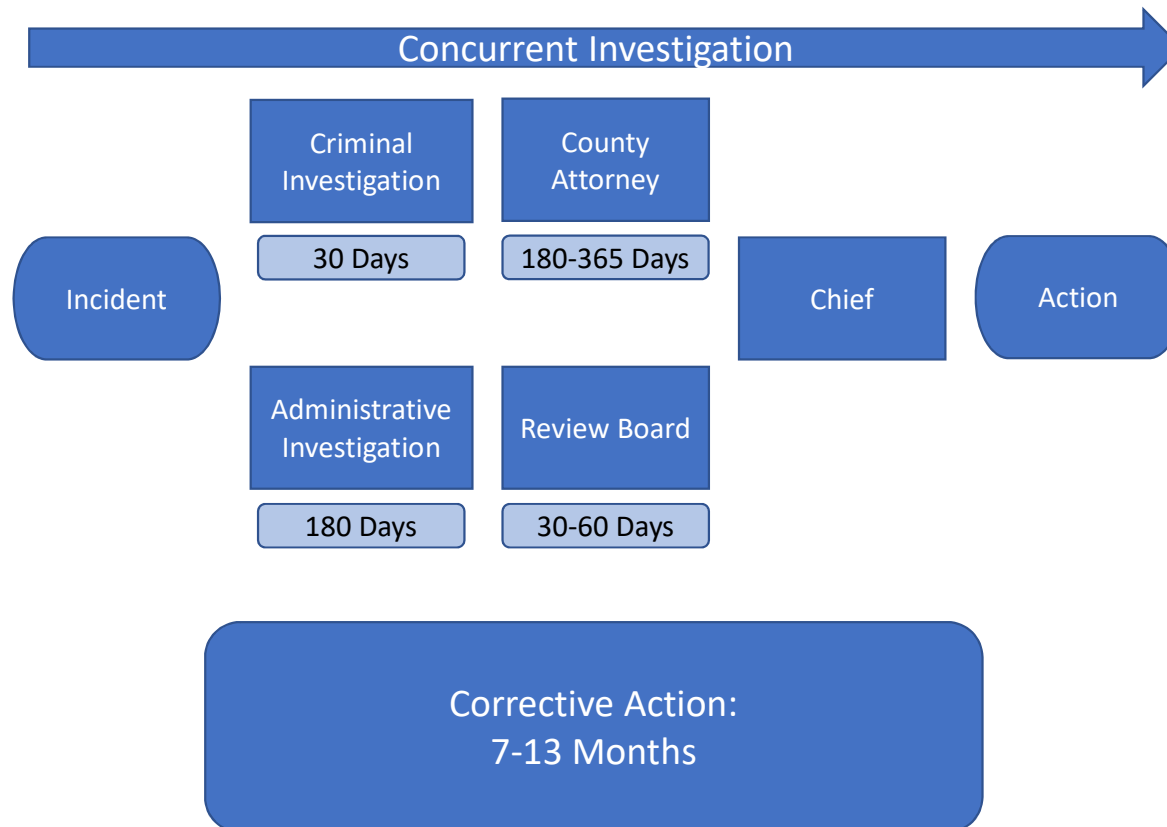
# Current Process

---



# Recommended Process

---



# Consecutive Investigations

---

## Advantages

- Protects the organization from claims of cross contamination of investigations.
- Due to the sequence of investigations, there is no confusion on the part of the subject officer as to the purpose of an interview in which he or she is participating.

## Disadvantages

- Administrative investigations are reactive, and the investigator must piece together the facts of the case.
- A lengthy delay undermines public trust and confidence in remedying misconduct
- The longer discipline is postponed, the less effective and meaningful it will be.
- The time delay has a negative impact on the memory and availability of witnesses.
- Ability to gather evidence of disciplinary infraction
- Delay in corrective action; increasing likelihood incident may be repeated





# Concurrent Investigations

---

## Advantages

- Scene response by the administrative investigator provides a valuable insight into the details of the investigation.
- Faster resolution facilitates greater public trust in the department
- Timely administrative interview of the involved officers.
- Both the criminal and administrative investigation can be provided to the Use of Force Board.
- Correct employee and department deficiencies with timely feedback.
- Minimizes any delay having a negative impact on the memory and availability of witnesses.

## Disadvantages

- There is a risk that an officer can reasonably believe they are required to answer questions during a criminal investigation when concurrent investigations are conducted simultaneously.
- Requires specific measures be put in place to ensure separation between the criminal and administrative investigations in order to avoid any commingling.



# Industry Trends

---

## Major Cities Chiefs Association (MCCA)

- Officer-involved shootings and in-custody deaths should be the subject of administrative investigations.
- Statistics from 2018 MCCA publication
  - Of the reporting agencies, 83% conduct concurrent investigations.
    - 67% were conducted by Internal Affairs
    - 16% by an internal task force team
  - 89% have an internal shooting review board make recommendations on discipline



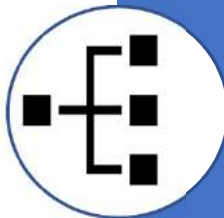
# Industry Trends

---

## Office of Community Oriented Police Services (COPS)

### US Department of Justice

- Use of force incidents, as defined by the agency, should generate an immediate response to the scene and an investigation conducted by Internal Affairs, or a team of investigators with special training.
- An administrative review should consider the risk management implications of any such incident, including whether changes to policy, procedures, equipment, or training might mitigate the effects or reduce the number of similar incidents in the future.



## Proposed Action & Decision Points

Define and implement policies and procedures in support of concurrent investigative framework:

- Force Investigation Team
- Notifications
- Scene Response
- Scene Responsibilities
- After-Action
- Investigation
- Use Of Force Board

# Proposed Action

## Decision Point 1

For the Mesa Police Department to form a Force Investigative Team (FIT) to promptly conduct administrative reviews of all critical use of force incidents.

Force Investigation Team (FIT) roles consist of:

- Professional Standards Lieutenant
- Professional Standards Sergeant
- Professional Standards Detective
- Homicide Supervisor
- Homicide Investigator(s)
- Proficiency Skills Training Officer

# Concurrent Investigations Framework

Decision Point	Description
✓ Force Investigation Team (FIT)	Team responsible for investigating critical use of force incidents
Notification	Types of critical use of force incidents requiring FIT response
Scene Response	FIT roles called upon based on incident notification
Scene Responsibilities	Scope of actions on scene of FIT members based on area of expertise
After-Action	Prompt review of incident to identify solutions for immediate operational improvement
Investigation	A thoughtful examination to determine the facts of the incident
Use Of Force Review Board	An advisory panel to issue recommendations based on investigation results



Questions