



# City Council Report

**Date:** May 20, 2024  
**To:** City Council  
**Through:** Scott Butler, Assistant City Manager  
**From:** Ken Cost, Police Chief  
Harold Rankin, Assistant Police Chief  
**Subject:** Intergovernmental Agreement for the East Valley Critical Incident Response Team (EVCIRT)

## Purpose and Recommendation

The City of Mesa Police Department is respectfully requesting the Mesa City Council to approve and authorize the City Manager or designee to enter into an Intergovernmental Agreement with Apache Junction, Chandler, Gilbert, Paradise Valley, Scottsdale, Tempe, and Queen Creek to form the East Valley Critical Incident Response Team (EVCIRT).

## Background

The City of Mesa Police Department has been collaborating with the police departments from the above listed municipalities to form a task force to investigate officer involved critical incidents in accordance with A.R.S. § 41-1762. A.R.S. 41-1762 requires police “critical force incidents” be criminally investigated by the Department of Public Safety, a regional task force, or another law enforcement agency as of June 30, 2025.

## Discussion

The EVCIRT will be a regional task force and investigate the following officer involved critical force incidents:

- Any discharge of a firearm by a police officer, due to a use of force encounter, regardless of whether it results in the injury or death of an individual.
- An incident involving a police officer’s intended use of deadly force or use of force by any other means that results in death or serious bodily injury of another person, either during an on-duty incident or off-duty incident while acting under the color of authority.
- At the direction or request of a Chief of Police, any high-profile incident involving misconduct allegations (regarding use of force) or incidents resulting in the death of an officer.

The participating municipalities have developed an investigative staffing model and protocol such that officers involved in critical force incidents within their jurisdictions

will be investigated by the EVCIRT. The police departments of Chandler, Gilbert, Tempe, Mesa, and Scottsdale would be considered lead investigative agencies. Apache Junction, Paradise Valley and Queen Creek's police departments would provide staffing support to the EVCIRT. In any given week, the Mesa led EVCIRT and an EVCIRT from one of the other lead agencies will be on call, available to investigate an officer involved critical force incident. The Mesa members of the EVCIRT will investigate officer involved critical force incidents in the jurisdictions of all participating municipalities and the remaining lead agencies will investigate all officer involved critical force incidents in Mesa. To prepare for the new law, the municipalities plan to launch the EVCIRT program in July 2024. A.R.S. § 41-1762 goes into effect on June 30, 2025.

### **Alternatives**

If the Intergovernmental Agreement is declined, the City of Mesa Police Department will have to request to have its officer involved critical force incidents investigated by another law enforcement agency or the Department of Public Safety.

### **Fiscal Impact**

There will be no fees or payments associated with the use of the EVCIRT.

### **Coordinated With**

The City of Mesa Police Department recommends approval to enter into an Intergovernmental Agreement with Apache Junction, Chandler, Gilbert, Paradise Valley, Scottsdale, Tempe, and Queen Creek to form the EVCIRT.