



City of Phoenix

PUBLIC RECORDS
Released pursuant to
A.R.S. 39-121, Et. Seq.

To: Jeri L. Williams
Police Chief

Date: August 15, 2018

From: Charles Morin, Commander
Professional Standards Bureau

Subject: INTERNAL INVESTIGATION – PSB18-0074

Internal Investigators:

Lieutenant Siekmann (Investigative Review)
Sergeant Brandon Warner (Primary Investigator)
Sergeant Mark Kincannon (Secondary Investigator)

Allegation #1:

On February 1, 2018, Officer Ronaldo Canilao #7439 was involved in a use of force incident at [REDACTED] where he used an electronic control device (ECD) on a handcuffed prisoner.

Findings:

Sustained

Employee/s Involved:

Ronaldo Canilao #7439
Maryvale Estrella Mountain Precinct / 82H Squad

Complainant:

Department Initiated

Attachments:

See Attachments Section

SUMMARY OF INVESTIGATION:

On February 1, 2018, Mr. Devon Pedroza committed Criminal Damage and Domestic Violence Assault at [REDACTED]. Within minutes of the call being placed, Mr. Pedroza confronted Officer Quinton Bell #10028, Officer Rudolfo Peru #7629, and Officer Ron Canilao #7439 in the street outside his home. Mr. Pedroza was under the influence of methamphetamines at the time and assaulted Officer Bell by shoving and punching him. Mr. Pedroza continued to fight with Officers Peru and Bell, while they attempted to arrest him.

In order to gain compliance from Mr. Pedroza, Officer Canilao deployed his electronic control device (ECD) and utilized a cross-connect technique. This allowed Officers Bell and Peru to

Officer Canilao intentionally used the ECD on Mr. Pedroza to further gain compliance. Officer Canilao activated the cross-connect technique intermittently over a period of approximately six minutes, at intervals of seven seconds, two seconds, two seconds, and four seconds. Officer Canilao was wearing a body-worn camera at the time which captured the event on video. Phoenix Fire Department personnel responded to the scene and provided medical treatment to Mr. Pedroza before he was transported and booked into jail.

DETAILS OF INVESTIGATION

On April 19, 2018, Sergeant Jennifer Stimac #6028, contacted the Professional Standards Bureau (PSB) through email regarding a use of force incident involving Officer Canilao using an ECD on suspect, Mr. Devon Pedroza, approximately ten times.¹ Prior to contacting PSB, Sergeant Stimac had spoken with Officer Canilao regarding the incident after an initial review of his body-worn (VIEVU) camera footage. Sergeant Stimac told PSB investigators that she had also reviewed specific Phoenix Police Department Operations Orders pertaining to electronic control devices (ECDs) with Officer Canilao before corresponding with Sergeant James Ward #7967 and Lieutenant Brian Issitt #7475 of the Tactical Training Detail. According to Sergeant Stimac, Sergeant Ward and Lieutenant Issitt reviewed the body-worn camera footage, and they advised her to contact PSB. Sergeant Stimac forwarded her supervisory notes to PSB, as well as any related correspondence involving her conversation with Officer Canilao and ECD deployment download information from February 1, 2018.

PSB investigators reviewed the ECD download,² Sergeant Stimac's notes,³ associated departmental reports,⁴ and Officer Canilao's body-worn camera footage related to the incident at [REDACTED] on February 1, 2018.⁵ A summary of the relevant sequence of events pertaining to the aforementioned are as follows:

- Officer Canilao responds to a priority one domestic violence call at [REDACTED] with Officer Peru as his partner and Officer Bell as their backup. Upon arrival, a shirtless, angry and aggressive, Mr. Devon Pedroza is seen clinching his fists, taking an aggressive fighting stance, and approaching the officers in the middle of the street.⁶
- Mr. Pedroza closed the distance and all three officers responded by backing away, but Mr. Pedroza was still continuing to display aggressive behaviors. Mr. Pedroza walked towards the officers when Officer Bell and Officer Peru attempt to physically detain him.⁷ At this point, Mr. Pedroza fought with both officers and the officers took him to the ground. While detaining Mr. Pedroza, Officer Bell was punched by Mr. Pedroza, and Mr.

INTERNAL INVESTIGATION REPORT PSB18-0074

Page 3 of 10

Pedroza knocked both officers' body-worn cameras off their uniforms, and knocked Officer Peru's metal breast badge off his uniform.

- Officers Bell and Peru briefly used their body weight to hold Mr. Pedroza's arms above his head while he was situated on his back. Officer Canilao stood above Mr. Pedroza when he decided to deploy his ECD into Mr. Pedroza's abdomen for a duration of five seconds (first application). The ECD deployment was conducted in order to gain compliance and assist Officers Bell and Peru in rolling Mr. Pedroza onto his stomach for handcuffing.⁸
- Officer Canilao utilized a cross-connect technique by an additional ECD probe deployment into Mr. Pedroza's upper chest for a duration of six seconds (second application).⁹
- Officer Canilao activated the ECD for a duration of four seconds (third application), while giving verbal commands to Mr. Pedroza. Officers Bell and Peru were in the process of handcuffing Mr. Pedroza.¹⁰
- Officer Canilao activated the ECD for a duration of three seconds (fourth application), while continuing to give Mr. Pedroza verbal commands, as it appeared Officers Bell and Peru struggled to secure Mr. Pedroza's arms behind his back.¹¹
- Officer Canilao activated the ECD for one second bursts three times (fifth, sixth, and seventh application), while continuing to give verbal commands. Officers Bell and Peru can be heard latching the handcuffs on Mr. Pedroza.¹² Mr. Pedroza is now securely cuffed and effectively under arrest.¹³
- Once Mr. Pedroza was cuffed and face down on the pavement, Mr. Pedroza rolled slightly to his left before attempting to kick Officer Canilao. Mr. Pedroza continued rolling until he was moved to a seated position while still handcuffed. Officer Canilao activated the ECD for a duration of seven seconds (eighth application).¹⁴
- Mr. Pedroza rolled over into a position where he was face down on the pavement. Officer Canilao was heard giving Mr. Pedroza additional verbal commands and challenging him regarding Mr. Pedroza's attempted kick. Officer Canilao activated the ECD for a duration of two seconds (ninth application).¹⁵
- Mr. Pedroza was moved to a seated position in the street by Officer Canilao and Officer Peru. Mr. Pedroza was agitated and verbally challenged Officer Canilao. Mr. Pedroza

INTERNAL INVESTIGATION REPORT PSB18-0074

Page 4 of 10

appeared to be squirming from a seated position. Officer Canilao told Mr. Pedroza to relax while activating the ECD for a duration of two seconds (tenth application).¹⁶

- There was a series of three ECD activations where Officer Canilao appeared to switch the device to another hand. Officer Canilao explained to PSB investigators these were accidental activations where he even tased himself, as well as Mr. Pedroza, during the process of switching hands. In this case, there were three more activations all were one second bursts (eleventh, twelfth and thirteenth application).¹⁷
- Mr. Pedroza appeared relatively calm in the video and remained in a seated position with Officer Canilao standing behind him. Officer Canilao was heard giving Mr. Pedroza verbal commands to relax. Officer Canilao activated the ECD for a duration of four seconds (fourteenth application), while telling Mr. Pedroza to relax and to discontinue pushing back on him.¹⁸
- At the conclusion of the call for service. Mr. Pedroza was treated by Phoenix Fire Department personnel and released before being booked on several criminal charges related to domestic violence, Aggravated Assault on a Police Officer and Resisting Arrest.

PSB investigators interviewed Sergeant James Ward of the Tactical Training Detail (TTD) in reference to his previous contact with Sergeant Stimac. Sergeant Ward stated Sergeant Stimac reached out to him because he is a subject matter expert (SME) concerning the use of force. After reviewing the incident, Sergeant Ward told PSB investigators he advised Sergeant Stimac to immediately notify PSB due to the violations of policy.

After viewing the body-worn camera footage, Sergeant Ward stated he observed Officer Canilao deploy his ECD while Officers Bell and Peru held down Mr. Pedroza. Sergeant Ward stated the technique was not typically a tactic used during handcuffing. Sergeant Ward stated that based on the circumstances, he did not observe any actions outside of policy guidelines and considered the initial deployment a viable option to gain compliance and prevent injury to the suspect and officers involved.¹⁹ Sergeant Ward stated with exception to Officer Canilao's poor placement of the probes during the application of the cross connect technique, the drive stun technique was consistent with training at the academy. Sergeant Ward stated that although the probe placement was not ideal, it appeared to have provided enough pain compliance to roll Mr. Pedroza over and safely handcuff him.²⁰

Sergeant Ward stated he observed the ECD being applied to Mr. Pedroza over the course of the next ten minutes. Sergeant Ward stated he observed Officer Canilao use another cross

INTERNAL INVESTIGATION REPORT PSB18-0074

Page 5 of 10

connect technique after Officer Canilao made mention of being kicked by Mr. Pedroza. Sergeant Ward stated it appeared to have worked because of Mr. Pedroza's reaction. Sergeant Ward stated he was unclear on how many times the ECD was reactivated but observed Officer Canilao deliver several bursts while Mr. Pedroza was still handcuffed in a seated position. Sergeant Ward stated, "It looks like he (Canilao) is just reminding the subject that the Taser is still there, which is outside of our policy."²¹ Sergeant Ward said, "That is not something we teach here at the academy, that is not something we promote, the Taser is used to gain compliance of a subject, once we've got our compliance, once we've got our handcuffs on, the Taser is not a tool we should be going to in that situation."²²

On May 23, 2018, PSB investigators interviewed Officer Rudy Peru #7629. Officer Peru said he recalled Mr. Pedroza being difficult during his arrest. Officer Peru described Mr. Pedroza as being aggressive and under the influence of methamphetamines. Officer Peru said Officer Canilao's use of the ECD prior to Mr. Pedroza being cuffed was effective and likely prevented him and Officer Bell from being injured. Officer Peru stated he did not recall Officer Canilao using the ECD after Mr. Pedroza was handcuffed. Officer Peru said he was tired after the fight with Mr. Pedroza, and needed to gather himself, as well as his badge and body-worn camera, which were knocked off during the arrest of Mr. Pedroza.

On May 23, 2018, PSB investigators interviewed Officer Quinten Bell #10028. Officer Bell described Mr. Pedroza's behavior as erratic and irrational. Officer Bell said Mr. Pedroza punched him in the face while he took Mr. Pedroza to the ground. Officer Bell stated he was responsible for controlling Mr. Pedroza once on the ground by holding his arms down. Officer Bell stated he was fixated on Mr. Pedroza and heard the word Taser but never observed an ECD. Officer Bell said after Mr. Pedroza was handcuffed, he walked away to check on the victims. Officer Bell stated Mr. Pedroza directed racial epithets at him and he felt Officers Peru and Canilao could handle Mr. Pedroza so there was no need for him to remain nearby. Officer Bell stated he had no recollection of what transpired with Mr. Pedroza after he walked away.

Interview with Officer Ron Canilao #7439:

On May 31, 2018, PSB investigators interviewed Officer Canilao. Officer Canilao stated he had responded to an emergency domestic violence call on February 1, 2018. He was riding as a passenger with Officer Peru. Officer Canilao exited his patrol car from the passenger side and followed both Officer Peru and Officer Bell on foot in the middle of the street. He immediately noticed the suspect, Mr. Pedroza walking towards him. Officer Canilao stated Mr. Pedroza charged at them and Officer Bell and Officer Peru were forced to, "go hands on." Officer

INTERNAL INVESTIGATION REPORT PSB18-0074

Page 6 of 10

Canilao described Mr. Pedroza's behavior as erratic, stating he was yelling and pumping his chest as he walked towards them. Mr. Pedroza yelled racial slurs and expletives at the officers.

Officer Canilao stated once the officers were on the ground, he was aware Mr. Pedroza committed Aggravated Assault on a Police Officer by punching Officer Bell. Officer Canilao stated Mr. Pedroza attempted to kick him and punch Officer Peru. Officer Canilao stated this was the reason he brought the ECD out. Officer Canilao said his plan was to prevent any further injury to the officers and ultimately stop Mr. Pedroza's actions.

Officer Canilao stated he used the ECD to control Mr. Pedroza and assist Officers Bell and Peru in gaining further control of Mr. Pedroza. Officer Canilao stated he deployed the ECD for the first time into Mr. Pedroza's stomach with no effect.²³ Officer Canilao stated he deployed the ECD a second time into Mr. Pedroza's chest and utilized a cross-connect technique. Officer Canilao said this method was effective.²⁴ Officer Canilao stated it allowed him to control Mr. Pedroza without the use of strikes. Officer Canilao said Officers Bell and Peru were able to roll Mr. Pedroza onto his chest.

Officer Canilao feared Mr. Pedroza would strike the officers again. Officer Canilao remembered using the cross-connect technique two to three more times after Mr. Pedroza was rolled over. Officer Canilao stated Mr. Pedroza refused to give up his arms and described Mr. Pedroza's level of resistance as "passive resistance."²⁵ Officer Canilao said he gave Mr. Pedroza, "two to three," more cross-connect activations and the tactic was successful as it allowed Officers Bell and Peru to handcuff Mr. Pedroza without further resistance.²⁶

Officer Canilao stated although Officers Bell and Peru appeared tired, Mr. Pedroza was handcuffed and now under control.²⁷ Officer Canilao said Mr. Pedroza was still in a seated position but wanted to stand. Although Officer Canilao admitted Mr. Pedroza was under control, he described Mr. Pedroza as being highly aggressive. Officer Canilao said Mr. Pedroza was yelling racial slurs at the officers and that Mr. Pedroza rolled and attempted to kick him. Officer Canilao stated he delivered an additional cross-connect activation in order to stop Mr. Pedroza from kicking or flailing with his feet.²⁸ Officer Canilao said he did not want to take a step back and remained in close proximity to Mr. Pedroza in order to control him. Officer Canilao said Mr. Pedroza was still aggressive, but admitted there was no way Mr. Pedroza could have rose to his feet or continued to fight with officers.²⁹

Officer Canilao said Mr. Pedroza was on methamphetamines and possessed the ability and opportunity to further resist. Officer Canilao changed his explanation by saying he perceived Mr. Pedroza's level of threat to be active aggression.

INTERNAL INVESTIGATION REPORT PSB18-0074

Page 7 of 10

Officer Canilao was asked about a specific point in the body-worn camera video where Mr. Pedroza pleaded with him to discontinue the use of the ECD by saying, "I don't want to get tased anymore, please!" In the video, Officer Canilao responded by saying, "I've got a long battery life in this man," Mr. Pedroza responded by saying, "I know you do."³⁰ Officer Canilao stated Mr. Pedroza's demeanor was still, "up and down," at that point, and he felt Mr. Pedroza was capable of doing or saying anything in order to gain an advantage on him. Officer Canilao told PSB investigators he was essentially warning Mr. Pedroza he had the upper hand and was in control of the situation for the duration of their contact.³¹ Officer Canilao said although he was aware Mr. Pedroza was still handcuffed, he made the statements to Mr. Pedroza because Officers Bell and Peru walked away and left him alone with Mr. Pedroza.

Officer Canilao was asked to clarify the need for the last and final ECD cross-connect burst he activated for four seconds. During this activation Officer Canilao can be heard saying, "What, what, what, stop pushing back on me, you understand?"³² Officer Canilao stated Mr. Pedroza attempted to stand up again and used his body weight to push back on him. Officer Canilao stated he tried to make Mr. Pedroza sit down again, which Officer Canilao said was effective because Mr. Pedroza sat down. Officer Canilao was asked if there was any reason why he did not take a step back from Mr. Pedroza when he attempted to kick him. Officer Canilao stated he stood in close proximity to Mr. Pedroza as a specific tactic to further control Mr. Pedroza. Officer Canilao dismissed his own actions by stating he was "too nice" to Mr. Pedroza when he allowed Mr. Pedroza to lean back on him.

Officer Canilao stated he was unfamiliar with Operations Order Use of Force policy. Officer Canilao said he was more familiar with an old policy that pertained to when Taser probes were required to be removed. Officer Canilao was provided with Operations Order 1.5, pertaining to Use of Force and ECD deployment. Officer Canilao referred to the order during the interview. Officer Canilao recalled a section in Operations Order 1.5.4.E.(1), where he understood the policy to mean there was no limit to the number of cycles that may be deployed. Officer Canilao referred to the specific portion of the policy which states, "When deploying an ECD, employees: Will, if it is determined an extended cycle is necessary to control a combative suspect, explain the circumstances regarding the decision in the IR." and, "Should only apply the number of cycles reasonably necessary to safely approach and restrain a subject (a limit to the number of cycles that may be administered to a subject has not been determined)."³³

Officer Canilao admitted he considered Mr. Pedroza restrained once he was handcuffed. Officer Canilao said he used the ECD to control Mr. Pedroza, to prevent Mr. Pedroza from injuring himself, and to avoid creating a scenario where Officers Bell and Peru may have been

injured from delivering strikes. Officer Canilao was asked to clarify if he meant there was a need to strike Mr. Pedroza before or after he was handcuffed. Officer Canilao said he meant the option to strike Mr. Pedroza was prior to his being handcuffed and may have been used in order to get him into handcuffs.³⁴ Officer Canilao was asked if he thought there was any reason why he would need to deliver strikes to Mr. Pedroza after he was handcuffed. Officer Canilao stated, "No." Officer Canilao said a better tactic would have been to use the rip-restraint and get Mr. Pedroza secured in the back of a patrol car as soon as possible.³⁵

Officer Canilao admitted it was his responsibility to know Use of Force policy by stating "Oh, absolutely, yes, yes, yes, I agree."³⁶ Officer Canilao explained he and other officers rely heavily upon module training and they sometimes become lazy as it pertains to addressing training needs.³⁷ PSB investigators asked Officer Canilao if he was unfamiliar with the policy in such a way that he used the ECD on this particular occasion in a manner that was outside policy. Officer Canilao replied by stating, "Maybe in this circumstance because I left the probes in him (Mr. Pedroza) too long."³⁸

CONCLUSION:

On February 1, 2018, Mr. Devon Pedroza committed Criminal Damage and Domestic Violence Assault at [REDACTED]. Upon arrival, Mr. Pedroza charged at Officers Bell, Peru and Canilao. Officers Bell and Peru were forced to take Mr. Pedroza to the ground. During the struggle, Mr. Pedroza assaulted Officer Bell by punching him. Officer Canilao deployed his electronic control device (ECD) and utilized a cross-connect technique in order to gain compliance from Mr. Pedroza. This allowed Officers Bell and Peru to take Mr. Pedroza into custody by handcuffing him. After Mr. Pedroza was handcuffed, Officer Canilao used the ECD on him to further gain compliance. While Mr. Pedroza was handcuffed and in a seated position, Officer Canilao activated the cross-connect technique four additional times at intervals of seven seconds, two seconds, two seconds, and four seconds. Officer Canilao applied the ECD a total of seven times after Mr. Pedroza was handcuffed. Officer Canilao was wearing a body-worn camera which captured corresponding video footage of him using the ECD on Mr. Pedroza after he was handcuffed.

The allegation that Officer Canilao used an electronic control device (ECD) on a handcuffed prisoner is sustained. This investigation has concluded that Officer Canilao's actions are in violation of the following policies:

- Operations Order 1.5.2.H., regarding "Handcuffed/Restrained Persons," which states "Employees will not use strikes, impact weapons, chemical weapons, ECDs, carotid

control techniques, or deadly force unless such force is necessary to prevent imminent serious bodily injury or death, or unless such force is reasonable based on the totality of circumstances.”

- Operation Order 1.5.4.E.(1), regarding “Electronic Control Devices (ECD), Guidelines For Use,” which states “When the circumstances justifying the use of an ECD no longer exist, the ECD will immediately be discontinued.” And, “ECDs will not be used for any of the following: *Coercion of any type.” “Employees will avoid using ECDs against the following subjects, unless employees can articulate other reasonable force options have been tried or were unlikely to succeed: *Handcuffed prisoners.”

This violation is designated under Operations Order 3.18, Addendum A, 3.C.(2)(h), as follows: “Inappropriate use of an ECD (restrained by cuffs or authorized restraint system).” This is a Class II violation, which “will be referred to the Police Chief or the Discipline Review Board (DRB) for a 24 or 40 hour suspension without pay.”

CLOSING:

This Professional Standards Bureau investigation is complete. The investigation was reviewed and approved by the involved employee. Upon finalization, this investigation will be forwarded to the Police Chief for review. This investigation will be retained in the Professional Standards Bureau in accordance with retention policies/law.

Endnotes:

- ¹ Attachment: Stimac email to PSB
- ² Attachment: Canilao ECD download from February 1, 2018
- ³ Attachment: Stimac's notes from Canilao interview
- ⁴ Not attached: Phoenix IR 201800000193953 and all applicable supplements
- ⁵ VIEVU footage from Officer Canilao's body worn camera
- ⁶ VIEVU Canilao: begin 01:35
- ⁷ VIEVU Canilao: begin 01:50
- ⁸ VIEVU Canilao: begin 03:09 / corresponding ECD download: 15:21:44
- ⁹ VIEVU Canilao: begin 03:13 / corresponding ECD download: 15:21:48
- ¹⁰ VIEVU Canilao: begin 03:23 / corresponding ECD download: 15:21:50
- ¹¹ VIEVU Canilao: begin 03:30 / corresponding ECD download: 15:21:58
- ¹² VIEVU Canilao: begin 03:33, 03:34, 03:42 / corresponding ECD download: 15:22:05, 15:22:08, 15:22:16
- ¹³ VIEVU Canilao: begin 03:48
- ¹⁴ VIEVU Canilao: begin 06:14 / corresponding ECD download: 15:24:51
- ¹⁵ VIEVU Canilao: begin 06:31 / corresponding ECD download: 15:25:06
- ¹⁶ VIEVU Canilao: begin 09:13 / corresponding ECD download: 15:27:47
- ¹⁷ VIEVU Canilao: begin 10:18, 10:21, 10:22 / corresponding ECD download: 15:28:53, 15:28:55, 15:28:55
- ¹⁸ VIEVU Canilao: begin 12:05 / corresponding ECD download: 15:30:40
- ¹⁹ Audio with Ward: begin 2:30
- ²⁰ Audio with Ward: begin 3:00
- ²¹ Audio with Ward: begin 5:01
- ²² Audio with Ward: begin 5:08
- ²³ Interview with Canilao: begin 09:25
- ²⁴ Interview with Canilao: begin 10:12
- ²⁵ Interview with Canilao: begin 11:37
- ²⁶ Interview with Canilao: begin 12:23
- ²⁷ Interview with Canilao: begin 12:50
- ²⁸ Interview with Canilao: begin 13:45
- ²⁹ Interview with Canilao: begin 14:14
- ³⁰ Interview with Canilao: begin 24:40 / corresponding VIEVU Canilao: begin: 10:50
- ³¹ Interview with Canilao: begin 25:48
- ³² VIEVU Canilao: begin 12:05 / corresponding ECD download: 15:30:40
- ³³ Interview with Canilao: begin 29:54
- ³⁴ Interview with Canilao: begin 44:30
- ³⁵ Interview with Canilao: begin 45:32
- ³⁶ Interview with Canilao: begin 46:25
- ³⁷ Interview with Canilao: begin 46:45
- ³⁸ Interview with Canilao: begin 47:28