

Office of the Sheriff, Santa Clara County 55 W. Younger Avenue, San Jose, CA 95110				<input type="checkbox"/> INJURY <input checked="" type="checkbox"/> BOOKING <input type="checkbox"/> CITE RELEASE	CASE NO. 23-228-0293E																																																																																																																			
INCIDENT REPORT				BEAT E4	TYPE OF FORCE: <input type="checkbox"/> HANDS/FEET <input type="checkbox"/> KNIFE/CUTTING INSTR. <input type="checkbox"/> FIREARM <input type="checkbox"/> OTHER																																																																																																																			
REPORT TYPE 600(a) PC [F] Willful Injury to a Peace Officer Animal <> 148(a)(1) PC [M] Obstruct, Resist, or Delay a Peace Officer <>				OCCURRED ON OR FROM	DATE 8/16/23 TIME 17:35 DAY Wed																																																																																																																			
LOCATION OF INCIDENT Meadow Lane / San Jose / 95127 / Residence				TO REPORTED	8/16/23 17:35 Wed																																																																																																																			
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<input type="checkbox"/> THIS REPORT IS FOR INSURANCE PURPOSES AND TO ALERT THE SHERIFF'S OFFICE OF THE CRIME.																																																																																																																								
Synopsis: S01 had two outstanding felony warrants (SCCO Docket #C2109786 & Stanislaus County Docket #1468161). S01 barricaded himself in a residence. Multiple K9 and 835(a) announcements were made. S01 was physically apprehended by K9 Niner. S01 continued to not listen to Peace Officer commands. S01 choked K9 Niner with his arms and K9 Niner lost consciousness. S01 was transported to Regional Medical Center for his injuries. S01 was paper booked at the Main Jail for the above charges and the outstanding warrants.																																																																																																																								
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REPORT TYPE 600(a) PC [F] Willful Injury to a Peace Officer Animal <> 148(a)(1) PC [M1] Obstruct, Resist, or Delay a Peace	<input type="checkbox"/> SUPPLEMENTAL	Office of the Sheriff Santa Clara County NARRATIVE FORM	CASE NO. 23-228-0293E
LOCATION OF ORIGINAL EVENT (IF KNOWN) Meadow Lane / San Jose / 95127 / Residence		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California	

1 On the Face Page of this report, the Use of Force box should be
 2 checked. The report writing software did not allow me to check the
 3 Use of Force box.

4

5 **INVESTIGATION:**

6

7 The investigation was audio/video recorded using my department-issued
 8 Body Worn Camera (BWC). The following is a synopsis of that
 9 investigation. For complete details, please refer to the recorded
 10 file.

11

12 On 08/16/2023, at approximately 1730 hours, Deputy Amaya, Deputy
 13 Contreras and I were dispatched to Meadow Lane in
 14 unincorporated San Jose for a subject with felony warrants.

15

16 The subject, Marcus Ruelas (S01 Ruelas), was at the residence
 17 belonging to the reporting party, (R01). County
 18 Communications ran records check on S01 Ruelas. S01 Ruelas had two
 19 outstanding felony warrants (SCCO Docket #C2109786 & Stanislaus
 20 County Docket #1468161).

21

22 At approximately 1735 hours, Deputy Amaya and Deputy Contreras arrived
 23 on scene.

24

25 S01 Ruelas was seen on the rooftop of the residence. Deputy Amaya
 26 called out to S01 Ruelas to come down and come to the deputies. S01
 27 Ruelas fled into the residence and barricaded himself.

28

29 Sergeant Monroe, K9 Niner, Sergeant Tracey, Deputy , Deputy
 30 Ashley and I arrived on scene.

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1

2 SCENE DESCRIPTION:

3

Meadow Lane is a residential property in a suburban neighborhood. The property had two buildings, with one of the buildings under construction. The building under construction was where S01 Ruelas barricaded himself. The other building was where R01 resided.

9

10 INVESTIGATION CONTINUED:

11

12 At approximately 1830 hours, Sergeant Monroe gave multiple K9 and
13 835(a) announcements through his patrol vehicle PA system. Sergeant
14 Monroe confirmed through County Communications that the perimeter
15 units heard the announcements.

16

17 Deputy Toruno and Deputy Contreras were on the perimeter of the
18 residence. Deputy Toruno confirmed she heard the announcements.

19

20 At approximately 1840 hours, Sergeant Monroe, K9 Niner, Deputy Amaya,
21 Deputy Contreras, Deputy , Deputy Ashley and I, started our
22 search of the property.

23

24 We initially cleared the residence of R01 . Sergeant Monroe
25 verbally gave multiple K9 and 835(a) announcements. After clearing
26 the occupied residence, we cleared the inside of the building that
27 was under construction. Sergeant Monroe verbally gave multiple K9 and
28 835(a) announcements.

29

30 We were informed by R01 that S01 Ruelas hid in the crawl space

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1 of the building under construction. To access that crawl space, a
 2 wooden board had to be removed from the bathroom.
 3
 4 Sergeant Monroe removed the wooden board in the bathroom and verbally
 5 gave multiple K9 and 835(a) announcements. K9 Niner was released by
 6 handler Sergeant Monroe into the crawl space. (Refer to Sergeant
 7 Monroe's supplemental report for full details.)
 8
 9 S01 Ruelas was physically apprehended by K9 Niner. Sergeant Monroe
 10 then crawled into the crawl space to retrieve K9 Niner. (For more
 11 information on K9 Niner's condition refer to Sergeant Monroe's
 12 supplemental report). Deputy Ashley crawled into the crawl space to
 13 keep a visual on S01 Ruelas.
 14
 15 S01 Ruelas was removed from the crawl space and placed in a medical
 16 transport gurney.
 17
 18 S01 RUELAS' INJURIES:
 19
 20 S01 Ruelas had multiple lacerations to his left forearm. Due to the
 21 mud that covered S01 Ruelas, I was unable to determine how severe
 22 the wounds were.
 23
 24 Santa Clara County Medic 41 transported S01 Ruelas to Regional Medical
 25 Center.
 26
 27 INVESTIGATION CONTINUED:
 28
 29 Using a department issued cell phone, Deputy Contreras took
 30 photographs of the scene. He later uploaded them to Evidence.com.

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1

2 I followed Medic 41 to Regional Medical Center. Lieutenant Moore and

3 Deputy Gonzales arrived at Regional Medical Center. Deputy Gonzales

4 took photographs of S01 Ruelas' injuries. He later uploaded them to

5 Evidence.com.

6

7 At approximately 2230 hours, Deputy Contreras arrived at Regional

8 Medical Center. Deputy Contreras mirandized and obtained a statement

9 from S01 Ruelas. S01 Ruelas stated that he saw deputies arrive

10 outside of the residence and decided to hide. S01 Ruelas was aware he

11 had outstanding warrants and did not want to go back to jail. S01

12 Ruelas heard the multiple K9 and 835(a) announcements. (Refer to

13 Deputy Contreras' supplemental report for full details.)

14

15 Sergeant Monroe went to O'Conner Hospital for injuries sustained from

16 S01 Ruelas. (Refer to Sergeant Monroe's supplemental report for full

17 details.)

18

19 Based on the above information, S01 Ruelas was in violation of

20 California Penal Code 600(a) - Willful Injury to a Peace Officer

21 Animal, California Penal Code 69(a) - Resist Peace Officer with

22 Violence & California Penal Code 148(a)(1) - Obstruct, Resist, or

23 Delay a Peace Officer.

24

25 S01 Ruelas was paper booked at the Main Jail for the above charges and

26 his outstanding warrants. S01 Ruelas remained at San Jose Medical

27 Center for further medical treatment.

28

29 P.L.E.O:

30 Deputy Bunal #2429 - Original Report

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<p>1 Sergeant Monroe #2114, K9 Niner - Supplemental Report</p> <p>2 Deputy Contreras #2281 - Supplemental Report</p> <p>3 Sergeant Tracey #1819 - Assist/No Report</p> <p>4 Deputy Amaya #2111 - Assist/No Report</p> <p>5 Deputy - Assist/No Report</p> <p>6 Deputy Ashley #2349 - Assist/No Report</p> <p>7 Deputy Toruno #2307 - Assist/No Report</p> <p>8 Deputy Contreras #2074 - Assist/No Report</p> <p>9 Lieutenant Moore #1908 - Assist/No Report</p> <p>10 Deputy Gonzales #1882 - Assist/No Report</p>												
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1 **BODY-WORN CAMERA:**

2
 3 The incident was audio/video recorded by my department-issued
 4 body-worn camera (BWC).
 5 My BWC was activated during my contact with the below incident.

6
 7 It should be noted that, at the end of my shift, I docked my BWC to
 8 upload my BWC footage. I noticed my BWC did not turn on and remained
 9 dead. I returned the next day, and my BWC did not upload any of my
 10 evidence from this event. The power button would not activate. I
 11 submitted my BWC to the BWC coordinator, Sergeant Dunn. At this time
 12 of this report it was unknown if the video will be able to be
 13 retrieved.

14

15 **SUPPLEMENTAL REPORT:**

16

17 On 8/16/2023, I was in full Sheriff's Office uniform driving a marked
 18 patrol vehicle (#20415) assigned to the Sheriff's Office Transit
 19 Patrol Division which services Valley Transportation Authority (VTA),
 20 as a supervisor. My K9 partner, Niner, accompanied me.

21

22 At approximately 1745 hours, Deputy Amaya requested the assistance of
 23 Niner and I. Niner and I responded to Meadow Lane in
 24 unincorporated San Jose for a subject with felony warrants, (S01)
 25 Marcus Ruelas. Deputies Contreras, Amaya, and Bunal were already on
 26 the scene and had established containment around the above
 27 residence.

28

29 **PRIOR HISTORY:**

30

OFFICER'S NAME Monroe, Tyrone	ID NUMBER 2114	DATE 08/18/23 2259	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Tracey, Matthew	ID NUMBER 1819	DATE 08/19/23 042	PAGE 1	OF 16
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1 It should be noted that earlier this year, on 6/7/2023, Niner and I
 2 assisted the Sheriff's Office Fugitive Apprehension & Surveillance
 3 Team (FAST) when they responded to Meadow to arrest S01 Ruelas
 4 and his brother, , for outstanding arrest warrants.
 5 Deputies located and arrested . S01 Ruelas was not present at
 6 the residence. He remained at large and was still wanted for the
 7 outstanding warrants. (23-158-0026E) .
 8

9 **S01 MARCUS RUELAS CRIMINAL HISTORY:**

10
 11 S01 Ruelas had an extensive criminal history for various charges such
 12 as Penal Code Section (PC) 245 Assault with a Deadly Weapon, PC 273.5
 13 Felony Domestic Violence, 422 Criminal threats, PC 29800 Felony in
 14 Possession of a Firearm, PC 459 Burglary, and other firearm charges,
 15 as well as narcotics for sale.

16
 17 S01 Ruelas was on active felony probation for narcotics for sales,
 18 felon in possession of ammunition, and weapon-related charges
 19 (Dockett # C2109786). S01 Ruelas' probation address was listed as
 20 Meadow Lane and had full search and seizure terms.

21
 22 **SUPPLEMENTAL REPORT CONTINUED:**
 23

24 I arrived on the scene and met with Deputies Amaya and Contreras.
 25 Deputy Amaya informed me that S01 Ruelas' sister, R01 ,
 26 called them to the scene and advised that S01 Ruelas had warrants for
 27 his arrest and was not supposed to be on the property. R01
 28 explained that S01 Ruelas was not a resident and requested he be
 29 removed from the property. Deputies Amaya and Contreras confirmed the
 30 accuracy of R01 statement about S01 Ruelas' warrants through

OFFICER'S NAME Monroe, Tyrone	ID NUMBER 2114	DATE 08/18/23 2259	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Tracey, Matthew	ID NUMBER 1819	DATE 08/19/23 042	PAGE 2	OF 16
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1 County Communications. R01 resides at the address. R01
 2 provided deputies with consent to enter the residence and search for
 3 S01 Ruelas.
 4
 5 Deputy Amaya told me that he saw S01 Ruelas on the roof of the primary
 6 residence. Deputy Amaya ordered S01 Ruelas to get off the roof and
 7 surrender. S01 Ruelas jumped off the roof and fled to the backyard.
 8 Deputy Contreras told me that he was near the north side of the
 9 property on Chrisland Avenue and heard S01 Ruelas running in his
 10 direction. Deputy Contreras ordered S01 Ruelas to surrender, or a
 11 police K9 would be deployed. S01 Ruelas ran back towards the south
 12 end of the residence. Deputy Amaya stated he saw S01 Ruelas inside
 13 the residence and saw him close the south door to the primary
 14 residence. See Deputy Contreras' supplemental report for complete
 15 details.

16
 17 Deputy Amaya informed me that S01 Ruelas' father, , advised
 18 searched the house S01 Ruelas was seen fleeing into. advised
 19 Deputy Amaya that he did not find S01 Ruelas when he searched the
 20 house.

21
 22 County Communications advised deputies on scene that S01 Ruelas had
 23 felony weapon and drug warrants out of the Sheriff's Office (Dockett
 24 C2109786). County Communications also advised that S01 Ruelas had a
 25 warrant for domestic violence charges out of Stanislas County.

26
 27 While on scene Deputy Amaya used a law enforcement database on his
 28 Mobile Data Terminal (MDT) and confirmed the guy he saw was S01
 29 Ruelas, and he was last seen inside the residence.

30

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1 Deputy Contreras advised me that R01 was enroute to our
 2 location. At this time, I requested additional deputies to our
 3 location to set a perimeter around the house. While waiting for the
 4 other units, came out of the house. While speaking with
 5 , I told him the reason we were there. was upset and
 6 stated that R01 had no business calling us and he had not seen
 7 S01 Ruelas today.

8

9 said he did not want us to search the property for S01
 10 Ruelas. I told that we had the legal right to search the
 11 entire property because S01 Ruelas listed the residence as his
 12 primary residence for probation, which was subject to search and
 13 seizure. I also informed him that S01 Ruelas had warrants, and the
 14 deputies saw S01 Ruelas on the property. I told that the
 15 deputies gave him a lawful order to come out, and he resisted. I told
 16 that the law allowed us to search the property without a
 17 warrant based on the fact he was a wanted felon. became
 18 upset and went back into his room in the detached garage.

19

20 I asked Deputies Amaya and Contreras if they had a ballistic shield.
 21 Deputy Amaya advised that he had one.

22

23 I asked Deputy Contreras to contact R01 via cell phone and ask
 24 for an updated estimated arrival time. R01 advised that she
 25 was approximately ten minutes away. R01 told Deputy Contreras
 26 that S01 Ruelas likes to hide near the north end of the backyard
 27 under the pile of wood and tarp near the truck.

28

29 While waiting for R01 exited his room. I asked
 30 if he could have S01 Ruelas exit the residence peacefully.

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1 stated that he did not know where S01 Ruelas was. I told
 2 that we would be searching the property with a police K9 and
 3 if S01 Ruelas did not come out, he may be bit. became
 4 visibly upset and had a scowl look on his face. said, "I did
 5 not see him, and I called him. I guess he didn't want to give up his
 6 position. Or he is not here." I told that my police K9 would
 7 find him.

8

9 Based on comment about S01 Ruelas not wanting to give away
 10 his position, I believed that S01 Ruelas was hiding in a place that
 11 could cause harm to searching deputies. Given S01 Ruelas' criminal
 12 history, I believed that S01 Ruelas could be lying in wait with a
 13 weapon that could cause the searching deputies serious bodily harm or
 14 death.

15

16 R01 arrived on the scene and confirmed that S01 Ruelas had no
 17 business on the property. R01 used a key to open the locked
 18 gate that was secured with a large metal chain and padlock. R01
 19 stated she wanted R01 Ruelas arrested and permitted us to look for
 20 him. R01 gave us keys to the residence and told us we had
 21 permission to breach the doors to the property.

22

23 Deputies , Ashley, P. Contreras, Toruno, and Sergeant Tracey
 24 arrived to assist.

25

26 I requested San Jose Fire Department (SJFD) and Emergency Medical
 27 Services (EMS) to stage near the intersection of Buckner and Meadow
 28 Lane.

29

30 DE-ESCALATION:

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1

2 A Sheriff's Office Quick Response Team (QRF) was established, which
 3 consisted of Deputy , Deputy Contreras, Deputy Ashley, Deputy
 4 Bunal, Deputy Amaya, Niner, and me. Deputy Contreras was equipped
 5 with a 40mm less lethal munition, Deputy Amaya and Deputy Ashley were
 6 equipped with a ballistic shield, Deputy was equipped with an
 7 AR15 rifle, and I had my K9 partner Niner with me.

8

9 Prior to searching the residences, Deputy Amaya and Deputy Contreras
 10 verbally contacted S01 Ruelas and gave him the opportunity to
 11 surrender. I arrived on the scene and attempted to have
 12 contact S01 Ruelas to come out and surrender peacefully. S01 Ruelas
 13 refused to come out.

14

15 There were marked Sheriff's Office patrol vehicles with red and blue
 16 lights flashing and multiple deputies dressed in full Sheriff's
 17 Office uniforms. A perimeter of fully marked patrol vehicles and
 18 deputies in full Sheriff's Office uniforms were placed to surround
 19 the residence.

20

21 After setting the perimeter, I gave several use of force
 22 admonishments/warnings pursuant to PC 835 using my patrol vehicle's
 23 automated announcement system. The prerecorded K9 announcement said,
 24 "Sheriff K9, come out now with your hands up, or I will send my dog,
 25 and he will bite you." The K9 announcement was also played in Spanish
 26 and over the loudspeaker of my PA system. I also gave some additional
 27 warnings saying, "This is the Sheriff's Office K9. Surrender now, or
 28 force may be used. You are considered armed and dangerous surrender
 29 now. This is your last and final warning; surrender now, or force may
 30 be used. You may be bit by a police K9." Approximately nine K9

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1 announcements were given using the loudspeaker and prerecording.
 2
 3 S01 Ruelas was given a reasonable amount of time to deescalate and
 4 surrender to law enforcement. S01 Ruelas failed to obey our commands.
 5
 6

7 JUSTIFICATION FOR THE USE OF K9:

8
 9 Based on the information I developed on the scene, I determined S01
 10 Ruelas was wanted for a felony warrant involving a firearm, had a
 11 prior history of assault with a deadly weapon, a gun, and resisting
 12 arrest.

13
 14 Because S01 Ruelas was hiding in an unknown area, had access to
 15 unconventional weapons, was given multiple warnings to surrender
 16 peacefully, and was resisting arrest, I believed that S01 Ruelas
 17 posed an immediate threat to deputies on the scene and the public.

18
 19 Based on the facts mentioned above, I determined that the use of K9
 20 Niner was within policy, and the use of K9 Niner would enhance
 21 officer safety significantly, increase the likelihood of locating and
 22 apprehension of the suspect. The use of K9 Niner would bring this
 23 incident to a quick resolution without endangering the public or
 24 searching deputies.

25
 26 SCENE DESCRIPTION:
 27

28 The area to be searched was a single-family home that was currently
 29 being renovated and had a detached garage that had been converted
 30 into three bedrooms. There are multiple sheds on the property with a

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1 large, enclosed backyard. There were also single-family homes that
 2 surrounded the main residence that was occupied by men, women, and
 3 children.

4

5 USE OF FORCE/USE OF K9 NINER:

6

7 Our QRF team began our search of the property at the driveway's
 8 entrance. I conducted my search off-leash.

9

10 The QRF team searched and cleared the detached garage that had three
 11 bedrooms inside. We used a breaching ram to break down an inner
 12 connecting door. We did not locate S01 Ruelas inside this structure.

13

14

15 We moved to the main structure and attempted to open the door with the
 16 keys R01 provided us. None of the keys provided to us worked to
 17 open the door. We had to use a breaching ram again to access the main
 18 house. Once the door was breached, I gave K9 Niner his search
 19 command.

20

21 K9 Niner made entry into the house through the kitchen door and began
 22 to search. In this portion of the house, it had a continuous open
 23 flow. The house was under construction with power tools, handheld
 24 tools, household items that could be used as unconventional tools
 25 that could cause harm to searching deputies.

26

27 As K9 Niner was searching west of the kitchen, which appeared to be a
 28 possible living room, he had a behavior change. Niner was smelling
 29 the floorboards and was pacing back and forth. When I attempted to
 30 have K9 Niner leave this portion of the structure, he did not want to

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1 leave. Niner would leave and immediately go back. I informed the team
 2 that K9 Niner showed a change and S01 Ruelas could be under the
 3 residence. We continued our search of the residence and did not
 4 locate S01 Ruelas inside.

5

6 The QRF team exited the west sliding glass door and searched the
 7 remaining part of the backyard. There were multiple tool sheds,
 8 gardening tools, and other unconventional weapons that could be
 9 weaponized to hurt searching deputies and K9 Niner. We searched the
 10 entry backyard and did not locate S01 Ruelas.

11

12 We returned to the area where K9 Niner initially showed a behavior
 13 change. Once we returned to this portion of the house, K9 Niner
 14 immediately began to search. There was a hole in the floorboard where
 15 K9 Niner put his nose in. Niner took a deep breath and immediately
 16 began to dig into the floorboard with his front paws. I told the QRF
 17 team that S01 Ruelas was underneath the house.

18

19 We began to look for an entry point near where K9 Niner was searching
 20 for S01 Ruelas. We could not locate an entry point but advised
 21 Sergeant Tracey that we believed S01 Ruelas was under the house.
 22 Sergeant Tracey spoke with R01 , who advised there was a crawl
 23 space door in the house's bathroom.

24

25 We went to the bathroom and located the plywood that was on the floor.
 26 It should be noted that the plywood in the bathroom did not appear to
 27 be disturbed. A sitting stool was on top of the wood, which appeared
 28 to be flush with all the other boards. I attempted to move one of the
 29 plywood boards on the bathroom's east wall. In the left corner, a
 30 metal pole made it difficult to lift. I had to move the pole to

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1 remove the board.

2

3 After I removed the plywood board, there was another piece of plywood.

4 To remove this piece of wood, I had to pull it towards me because the

5 wood was tucked under the sheetrock. I would not have been able to

6 remove the plywood without pulling it toward me.

7

8 It should be noted that there was no way for S01 Ruelas to have been

9 able to go underneath both pieces of wood without the assistance of

10 someone else. I believe S01 Ruelas had help getting underneath the

11 floor to the crawl space from an unknown person on the property. The

12 only other people on the property were and .

13

14 Once the crawl space was exposed, I gave additional K9 announcements

15 to S01 Ruelas. I said, "Marcus, this is your last and final warning,

16 bud. I'm going to send my dog down there, and you will be bit." I did

17 not hear, see, or get a response from S01 Ruelas. Based on S01

18 Ruelas' location, it was not feasible to use any other means of

19 lesser force to effect the arrest. Based on the confined space and

20 distance, OC spray would not have been effective. Any impact weapon

21 or hands on restraint would not have been feasible for safe for

22 deputies, as they would have to enter a confined crawl space.

23 Finally, the use of less lethal munition would not have been possible

24 given the fact we did not know S01 Ruelas' exact location.

25

26 It was for these reasons above, K9 Niner was the only force option

27 available to deputies in order to overcome S01 Ruelas' resistance and

28 affect the arrest. I advised County Communications that we would give

29 several more use of force warnings and K9 announcements at the crawl

30 space to have S01 Ruelas surrender peacefully. I said the

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1 following:

2

3 "Sheriff's Office K9 Marcus. Surrender now, or force may be used, and

4 you may be bit by a police K9."

5

6 "Your last and final warning, surrender now, or force may be used, and

7 you may be bit by a police K9."

8

9 After a reasonable time was given to S01 Ruelas for surrender, he

10 failed to comply with our orders. I did not hear, see, or get a

11 response from S01 Ruelas or anyone underneath the crawl space. I

12 advised County Communications that we did not get a response and

13 would be deploying K9 Niner into the crawl space.

14

15 I gave K9 Niner his search/apprehension command.

16

17 Deputy Amaya, who was in the kitchen on the south end of the house,

18 asked if K9 Niner was underneath the house. I told him yes. Shortly

19 after, Deputy Amaya advised that K9 Niner located S01 Ruelas and was

20 biting him. I gave K9 Niner his bite command and advised County

21 Communications.

22

23 I walked to Deputy Amaya's location in the kitchen and could hear S01

24 Ruelas screaming. I told S01 Ruelas to stop fighting the dog and to

25 bring him to me. I immediately told the QRF team to start looking for

26 an entry point to where we heard S01 Ruelas screaming.

27

28 I walked back to the south end of the house at the entrance to the

29 crawl space and attempted to call K9 Niner back to my location. I

30 made several attempts but was unable to get K9 Niner back to my

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<p>1 location. I returned to the kitchen area and told S01 Ruelas to stop 2 fighting the dog. I could hear S01 Ruelas screaming.</p> <p>3</p> <p>4 At some point, S01 Ruelas stopped screaming. I could no longer hear 5 any movement coming from under the house. Because S01 Ruelas had 6 prior weapons charges and the multiple knives/unconventional weapons 7 observed inside the residence and additional unconventional weapons; 8 I believed that S01 Ruelas may have stabbed K9 Niner or choked him 9 until he was unconscious.</p> <p>10</p> <p>11 I immediately went back to the crawl space and called for K9 Niner. I 12 could not hear S01 Ruelas screaming or any movement from both S01 13 Ruelas and K9 Niner. Approximately a minute later, I heard S01 Ruelas 14 start screaming again. I contacted County Communications and 15 immediately requested SJFD to respond to our location with a 16 chainsaw. The QRF team continued to attempt to make a hole in the 17 floor to gain access to S01 Ruelas and K9 Niner.</p> <p>18</p> <p>19 Since I could not gain compliance from S01 Ruelas to come to me nor I 20 could not see or get K9 Niner back to my location, Deputy Ashley and 21 I decided to go under the crawl space to get a visual on S01 Ruelas 22 and K9 Niner. Because the crawl space was small, Deputy Ashley and I 23 removed our Sheriff's Office tactical vests. We removed our vest to 24 have a better chance of moving underneath the house.</p> <p>25</p> <p>26 It should be mentioned that there was about a one-and-a-half to two 27 feet clearance underneath the house and ground. There was both dry 28 dirt and mud that was underneath the house. The crawl space was dark 29 and had little to no ambient light. There were wood beams, nails, 30 metal pipes, and other hazards that made it difficult to maneuver</p>										
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1 underneath the house. Deputy Ashley and I had to do an army low crawl
 2 on our stomachs to move to S01 Ruelas and K9 Niner.

3

4 As I low crawled to S01 Ruelas' and Niner's location, it was hard to
 5 distinguish exactly how far they were. As I closed the distance to K9
 6 Niner and S01 Ruelas, there were several times when my duty belt or
 7 uniform got stuck on a pipe, wire, or nail. These obstacles made it
 8 very difficult for me to move rapidly.

9

10 Using my flashlight, I was able to illuminate S01 Ruelas and K9 Niner.
 11 I could see that K9 Niner was biting S01 Ruelas's left forearm. S01
 12 Ruelas was lying on his left hip. S01 Ruelas was using his right hand
 13 to grab the neck area of K9 Niner. S01 Ruelas was using his right
 14 hand to choke K9 Niner. S01 Ruelas continued to fight K9 Niner. He
 15 moved his right hand from the neck area and placed it on the bridge
 16 of K9 Niner's nose. S01 Ruelas used his right hand to push K9 Niner's
 17 face into the mud. It appeared as if S01 Ruelas was trying to
 18 suffocate K9 Niner in the mud.

19

20 At this time, I was about fifteen to twenty feet away from S01 Ruelas
 21 and K9 Niner. I gave K9 Niner his release command, and K9 Niner
 22 immediately released S01 Ruelas' left forearm. I recalled Niner to my
 23 location, but as K9 Niner was starting to come, S01 Ruelas used both
 24 hands to strike K9 Niner in the face.

25

26 K9 Niner immediately re-engaged and re-bit S01 Ruelas' left forearm.
 27 Before moving up to K9 Niner's and S01 Ruelas' locations, I told
 28 Deputy Ashley to maintain visual on S01 Ruelas because he had not
 29 been searched.

30

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1 Based on the fact that S01 Ruelas continued to pose a threat to K9
 2 Niner by fighting him, I crawled to K9 Niner and S01 Ruelas'
 3 location. I took ahold of K9 Niner's collar and gave him his release
 4 command. Niner released S01 Ruelas' left forearm, and we immediately
 5 crawled away from S01 Ruelas.

6

7 Deputy Ashley retreated a couple of feet and was able to keep an eye
 8 on S01 Ruelas. Deputy Ashley provided the deputies on the ground
 9 floor with updates on S01 Ruelas' condition.

10

11 It should be noted that from the south end of the crawl space
 12 entry/exit to where S01 Ruelas was located on the north end of the
 13 crawl space was approximately 75-80 feet in length.

14

15 I immediately crawled back to the entry/exit point of the crawl space.
 16 I was able to exit the crawl space with K9 Niner. Once we were out of
 17 the crawl space, I saw that K9 Niner was extremely tired and having
 18 difficulty breathing. K9 Niner's tongue was fully extended out of his
 19 mouth and was hanging to the left/right side of his mouth, causing K9
 20 Niner to gasp for air. I immediately went to my patrol vehicle and
 21 advised County Communications that I was driving code three to the
 22 Emergency Veterinary Hospital

23

24

25 **K9 NINER'S INJURIES:**

26

27 Once we arrived at the Emergency Room, medical staff and
 28 Doctor took us back to the medical examination room. I
 29 explained my initial observations and told them what happened to K9
 30 Niner.

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1
2 During K9 Niner's initial exam medical staff observed that he had
3 an elevated temperature, had some mild asymmetry of his pupils, had
4 some blood vessels that were broke in his eyes, and had blood come
5 from his nose. K9 Niner's penis was also exposed, and Dr. had to
6 put it back inside the external foreskin.

7
8 Doctor advised that they needed to have x-rays done on K9 Niner.
9 After the x-rays were completed, Dr. told me that K9 Niner had
10 some swelling around his neck. Dr. told me that all K9 Niner's
11 injuries he suffered were consent with a dog that has been choked.

12
13 K9 Niner was prescribed pain medication (gabapentin and Meloxicam) .
14 Dr. advised that K9 Niner take a week off from work and rest. She
15 advised that he needed to have minimum movement and needed rest to
16 make a full recovery.

17
18 Dr. provided me with discharge paperwork, instructions for the
19 medications/care of Niner, and a list of his medical assessment and
20 injuries. I provided the detectives with a copy of the paperwork.

21
22 **INJURIES:**
23
24 I sustained some minor cuts to my left wrist, cuts on both knees, and
25 had left neck pain. I responded to O'Connor Hospital Emergency Room
26 where I was assessed and treated for my injuries.

27
28 Deputy Gonzales took digital photographs of my injuries. Deputy
29 Gonzales was also provided photographs of K9 Niners injuries which he
30 uploaded to AXON Evidence.

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1

2 Deputy Gonzales took digital photographs of S01 Ruelas injuries.

3

4 See Deputy Gonzales' Supplemental Report for complete details.

5

6 -End of Report-

7

8 PLEO:

9

10 Sergeant Monroe #2114 - Supplemental Report

11 Deputy Bunal #2429 - Original Report

OFFICER'S NAME Monroe, Tyrone	ID NUMBER 2114	DATE 08/18/23 2259	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Tracey, Matthew	ID NUMBER 1819	DATE 08/19/23 042	PAGE 16	OF 16
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LOCATION OF ORIGINAL EVENT (IF KNOWN) Meadow Lane / San Jose / 95127 / Residence		VICTIM NAME (LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)) State of California	

1 BODY WORN CAMERA (BWC) :

2

3 This incident was recorded with my BWC. The following is a synopsis
4 of the recorded files.

5

6 INVESTIGATION:

7

8 On 08/16/2023 at approximately 1751 hours, Sergeant Monroe responded
9 to Meadow Lane, located in San Jose, with his police service
10 dog, "Niner", to assist in locating S-1 Marcus Ruelas at this
11 address. Refer to Sergeant Monroe's supplemental report for further
12 details about his deployment with Niner. Also refer to Deputy
13 Bunal's original report for further details about his investigation
14 and the warrant for S-1 Marcus' arrest.

15

16 At approximately 1950 hours, Sergeant Monroe informed Dispatch that he
17 was responding to the Veterinary Center,

18 in order to provide Niner immediate medical
19 attention. Veterinary Center is a 24-hours emergency medical
20 center for animals. Sergeant Monroe responded to the Veterinary
21 Center with his red lights and siren activated to his patrol car.

22

23 Based on Sergeant Monroe's statement about him responding to the
24 Veterinary Center to provide Niner immediate medical attention and
25 was responding with an emergency response, I also responded to
26 assist. Upon my arrival, I saw Sergeant Monroe and Niner inside the
27 emergency center. Sergeant Monroe was wearing a Sheriff's Office
28 uniform. I noticed that Sergeant Monroe and his uniform were covered
29 in mud. I also noticed that Niner was covered in mud.

30

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1 While at the medical center, I learned that S-1 Marcus intentionally
 2 assaulted Niner while Niner was physically apprehending him in the
 3 crawlspace of the residence. Refer to Sergeant Monroe's supplemental
 4 report for further details about the physical apprehension and S-1
 5 Marcus assaulting Niner.

6

7 Deputy Edwards also responded to the Medical Center to assist. I
 8 provided my department cell phone to Deputy Edwards so he could take
 9 digital photographs of Sergeant Monroe and Niner. Sergeant Monroe
 10 was still wearing his Sheriff's Office uniform when Deputy Edwards
 11 took photographs of him and Niner. Deputy Edwards provided me the
 12 department cell phone back after he took the photographs of Sergeant
 13 Monroe and Niner.

14

15 S-1 Marcus was transported to San Jose Regional Medical Center so he
 16 could receive further medical attention for the injuries he sustained
 17 from the physical apprehension. I drove to San Jose Regional Medical
 18 Center, located in San Jose, to assist Deputy Fisher who was already
 19 on scene.

20

21 Upon my arrival at the hospital, I met with Deputy Fisher and
 22 Lieutenant Moore who were standing by with S-1 Marcus. S-1 Marcus
 23 was in room #23 and being treated for his injuries. S-1 Marcus'
 24 clothing appeared to be intentionally cut so the hospital staff could
 25 provide him medical attention. S-1 Marcus and his clothing were also
 26 covered in mud. I saw S-1 Marcus' left arm wrapped in gauze. I also
 27 saw fresh abrasions, puncture wounds, and lacerations to S-1 Marcus'
 28 left leg which were consistent to a dog bite.

29

30 **INITIAL PHOTOGRAPHS OF S-1 MARCUS RUELAS:**

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1
2 Based on my initial observations of S-1 Marcus at the hospital, I took
3 digital photographs of him while he laid on the gurney in room #23.
4 Afterwards, the staff at the hospital bathed S-1 Marcus so they could
5 provide him further medical attention to the injuries he sustained.

6

7

8 INVESTIGATION CONTINUED:

9

10 Once S-1 Marcus was given a bath, Emergency Division Doctor and
11 Registered Nurse attended to S-1 Marcus' injuries.

12

13 INJURIES TO S-1 MARCUS RUELAS:

14

15 S-1 Marcus' left arm had approximately ten puncture wounds and two
16 lacerations that required sutures. One laceration required
17 approximately eleven sutures while the other laceration required
18 approximately three sutures. The laceration that had eleven sutures
19 appeared to be approximately 6 to 8 inches in length while the other
20 laceration, that had three sutures, appeared to be approximately 2 to
21 3 inches in length.

22

23 I looked at S-1 Marcus' right arm and bicep. S-1 Marcus had one
24 puncture wound on the inner right bicep and several abrasions around
25 the puncture wound. S-1 Marcus also had two fresh abrasions to his
26 right thumb.

27

28 I looked at S-1 Marcus' left leg and saw fresh abrasions, puncture
29 wounds, and lacerations. The abrasions to S-1 Marcus' shin were
30 approximately one to four inches in length. S-1 Marcus also had one

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1 puncture wound to his left shin and one laceration that required two
 2 sutures. S-1 Marcus' left knee ad approximately three lacerations
 3 and approximately four puncture wounds.

4

5

6 While S-1 Marcus was being treated at the hospital, he kept of
 7 complaining of pain to his left arm. X-rays were taken of S-1
 8 Marcus' left arm. It was determined that S-1 Marcus sustained a
 9 fracture to his lower left arm.

10

11 I did not see any other injuries on S-1 Marcus when taking photographs
 12 of him.

13

14 ADDITIONAL PHOTOGRAPHS OF S-1 MARCUS RUELAS:

15

16 After S-1 Marcus was bathed, I took additional photographs of S-1
 17 Marcus and his injuries at the hospital in room #23.

18

19 INVESTIGATION CONTINUED:

20

21 While at the hospital, Deputy Contreras arrived on scene to assist.
 22 Deputy Fisher read S-1 Marcus his Miranda warnings while he laid on
 23 the gurney in room #23. S-1 Marcus said he understood each of his
 24 rights and provided Deputy Contreras and me a statement. Refer to
 25 Deputy Contreras's supplemental report for further details about S-1
 26 Marcus' statement.

27

28 Afterwards, I left San Jose Regional Medical Center and drove to the
 29 Sheriff's Office Headquarters Division where I met with Sergeant
 30 Monroe. Sergeant Monroe informed me that he sustained some fresh

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1 abrasions to his shins and left wrist from the incident. Refer to
 2 Sergeant Monroe's supplemental report for further details.

3

4 INJURIES TO SERGEANT MONROE:

5

6 I looked at Sergeant Monroe arms and legs and saw some fresh abrasions
 7 to his left shin, right knee, and left wrist. Sergeant Monroe did
 8 not need to seek further medical attention for these injuries.

9

10 PHOTOGRAPHS OF SERGEANT MONROE:

11

12 Using my department cell phone, I took digital photographs of Sergeant
 13 Monroe's shins and left wrist.

14

15 AXON EVIDENCE FILE:

16

17 I later transferred the photographs I took of S-1 Marcus, Sergeant
 18 Monroe, and the injuries they sustained onto the Axon Evidence File.
 19 I also transferred the photographs that Deputy Edwards took of
 20 Sergeant Monroe and Niner onto the Axon Evidence File.

21

22 PLEO:

23

24 Deputy J. Gonzalez #1882 Supplemental Report
 25 Deputy Contreras #2281 Supplemental Report
 26 Sergeant Monroe #2114 Supplemental Report
 27 Deputy Bunal #2429 Original Report

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1 **SUPPLEMENTAL INVESTIGATION:**

2
 3 This incident was audio/video recorded using my department issued Body
 4 Worn Camera. This is a synopsis of that incident. For complete
 5 details, please refer to the recorded file.

6
 7 On 08/16/2023, at approximately 1735 hours, I assisted Deputy Bunal
 8 #2429 with a possible wanted male subject at Meadow Lane in
 9 unincorporated San Jose.

10
 11 County Communications advised R01 was calling the Sheriff's Office because she saw her brother, S01 Ruelas, at her residence through her security cameras. R01 knew S01 Ruelas was on probation and had an active felony warrant.

15
 16 Deputies Bunal, Amaya, and I arrived on scene. Deputy Amaya observed S01 Ruelas exit the residence through the south rear door. S01 Ruelas looked at Deputy Amaya and fled northbound through the backyard.

19
 20 Deputies gave S01 Ruelas multiple commands to surrender. S01 Ruelas did not comply with deputies' orders to exit the residence.

22
 23 Deputies on scene requested assistance from Sheriff K9 Sergeant Monroe #2114 to respond to our location for aid.

25
 26 Sheriff K9 Sergeant Monroe arrived on scene to assist.

27
 28 Sheriff K9 Sergeant Monroe utilized his patrol vehicle's PA system to give multiple announcements and PC 835a Admonishments from the front 30 of the residence for S01 Ruelas to surrender.

OFFICER'S NAME Contreras, Eduardo	ID NUMBER 2281	DATE 08/17/23 018	SHIFT/DAYS OFF III SSM	SUPERVISORS REVIEW Tracey, Matthew	ID NUMBER 1819	DATE 08/17/23 226	PAGE 1	OF 4
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1
2 S01 Ruelas refused to exit the residence and did not communicate with
3 deputies.
4
5 Utilizing Sergeant Monroe's K9, multiple deputies conducted a search
6 of the entire property in an attempted to locate S01 Ruelas.
7
8 Throughout the search of the exterior and interior of the property,
9 Sergeant Monroe gave multiple Sheriff K9 announcements and PC 835a
10 Admonishments for S01 Ruelas to surrender.
11
12 Sergeant Monroe observed a crawl space entrance in the bathroom
13 located in the north end of the residence. Sergeant Monroe was able
14 to utilize K9 Niner to search the crawl space located under the
15 residence.
16
17 Moments after K9 Niner entered the crawl space, I heard a male subject
18 screaming. Sergeant Monroe advised K9 Niner had located S01 Ruelas.
19
20
21 S01 Ruelas was apprehended and transported to San Jose Regional
22 Hospital for treatment.
23
24 For further details on S01 Ruelas medical treatment, refer to Sergeant
25 Monroe's supplemental report.
26
27 Sheriff K9 Deputy Gonzalez #1882 and I arrived at San Jose Reginal
28 Hospital. We met with Deputy Fisher #2229 who was standing by with
29 S01 Ruelas.
30

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1 **MIRANDA WAIVER:**

2

3 **Deputy Fisher read S01 Ruelas his Miranda waiver from her department**
 4 **issued Miranda card verbatim. S01 Ruelas stated he understood each of**
 5 **his rights by saying, "Yes," after each right was read to him. S01**
 6 **Ruelas provided me and Deputy Gonzalez with the following summarized**
 7 **statement.**

8

9 **STATEMENT OF S01 MARCUS RUELAS:**

10

11 **S01 Ruelas is R01 brother.**

12

13 **R01 owns the residence at Meadow Lane.**

14

15 **S01 Ruelas periodically stays at the residence even though R01**
 16 **does not like when he stays there.**

17

18 **On 08/16/2023, at approximately 1430 hours, S01 Ruelas arrived at the**
 19 **residence.**

20

21 **At approximately 1735 hours, S01 Ruelas was cutting his hair inside**
 22 **the residence. S01 Ruelas observed two Sheriff patrol vehicles park**
 23 **in front of the residence.**

24

25 **S01 Ruelas knew he was on probation and had two active felony**
 26 **warrants.**

27

28 **S01 Ruelas stated he was afraid to go back to jail.**

29

30 **S01 Ruelas admitted to entering the residence crawl space in order to**

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1 avoid apprehension from law enforcement.

2

3 S01 Ruelas stated he heard two Sheriff K9 announcements from a patrol

4 vehicle PA system and one Sheriff K9 announcement while deputies were

5 searching the residence.

6

7 Deputy Gonzalez and I asked S01 Ruelas if he choked the Sheriff K9

8 while he was getting bit.

9

10 S01 Ruelas stated the Sheriff K9 was not getting off of him, so he had

11 to push him away.

12

13 S01 Ruelas stated he did not hear Sergeant Monroe's commands while he

14 was getting bit by the Sheriff K9.

15

16 S01 Ruelas stated he regretted not surrendering peacefully to

17 deputies.

18

19 **INVESTIGATION CONTINUED:**

20

21 For further details on this incident, refer to Deputy Bunal's original

22 report.

23

24 End of report.

25

26 P.L.E.O.S

27

28 Deputy Contreras #2281 - Supplemental Report

29 Deputy Bunal #2429 - Original Report

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