CALIFORNIA

DEPARTMENT OF JUSTICE

Report on the Investigation into the Death of Nicholas Detweiler on December 25, 2023

Siskiyou County AB 1506

November 2026

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INVESTIGATION OF OFFICER INVOLVED SHOOTING

BACKGROUND—AB 1506

Pursuant to California Assembly Bill 1506 (AB 1506), the California Department of Justice is required to investigate all incidents of an officer-involved shooting resulting in the death of an unarmed civilian in the state. Historically, these critical incidents in California had been primarily handled by local law enforcement agencies and the state's 58 district attorneys.

AB 1506, signed into law on September 30, 2020, and effective July 1, 2021, provides the California Department of Justice (DOJ) with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor to investigate and review officer-involved shootings of unarmed civilians across California. DOJ investigates and reviews, for potential criminal liability, all such incidents covered under AB 1506, as enacted in California Government Code section 12525.3. Where criminal charges are not appropriate, DOJ is required to prepare and make public a written report, like this one, communicating:

- A statement of facts, as revealed by the investigation;
- An analysis of those facts in light of applicable law;
- An explanation of why it was determined that criminal charges were not appropriate; and
- Where applicable, recommendations to modify the policies and practices of the involved law enforcement agency.

Recommendations to modify policies and practices of the involved law enforcement agency will be based on the facts of the incident, any known policies and practices of the relevant law enforcement agency, and the experience and expertise developed by DOJ personnel.

PRIVACY STATEMENT

This report includes redactions of the names and other identifying information of witnesses and family members of the decedent. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure outweighs any public interest in disclosure.

For reasons related to privacy, as well as readability of this report, the witnesses will be indexed as follows:

- Witness 1 (W-1), an Assistant Conductor on Amtrak train 11
- Witness 2 (W-2), a Conductor on Amtrak train 11
- Witness 3 (W-3), a passenger on Amtrak train 11 in seat 1 of car 34109
- Witness 4 (W-4), Mr. Detweiler's mother

INTRODUCTION

On December 25, 2023, Amtrak personnel called for law enforcement's assistance to remove passenger Nicholas Detweiler from a southbound intercity Amtrak passenger train because he was brandishing brass knuckles. Mount Shasta Police Department Officer Jeremiah Capurro boarded the train and contacted Mr. Detweiler. Moments later, Officer Capurro fatally shot Mr. Detweiler.

DOJ investigated and reviewed the OIS pursuant to Government Code section 12525.3 (enacted by Assembly Bill 1506 (2019-2020 Reg. Sess.)).[1] This report is the final step in DOJ's review of the fatal OIS of Mr. Detweiler and is limited solely to determining whether criminal charges should be brought against the involved officer. The review does not encompass or comment on any potential administrative or civil actions.

Upon thorough examination, and as discussed in detail below, we conclude that no criminal charges will be filed because the evidence is insufficient to prove that Officer Capurro committed a crime.

CAUTION: The images and information contained in this report may be graphic and disturbing. Therefore, discretion is advised, especially for young children and sensitive individuals.

1 At the time of initial determination as a qualifying event, it was unclear whether Mr. Detweiller possessed a deadly weapon at the time of the OIS.

SUMMARY OF INCIDENT[2]

Shortly after 10:00 PM on December 24, 2023, Mr. Detweiler boarded Amtrak train number 11 in Klamath Falls, Oregon, using a ticket for carriage to Emeryville, California. The train, a southbound "Coast Starlight," was running on schedule.

Minutes after the train left Klamath Falls, a passenger approached W-1 and W-2, two of the train's conductors, and reported that another passenger had "pulled out a pair of brass knuckles" and "was looking pretty menacing." W-1 and W-2 identified the passenger with the brass knuckles as Mr. Detweiler and decided to remove him from the train to ensure the safety of everyone on board. Sometime later, a different passenger informed the conductors about a passenger brandishing brass knuckles.

At 10:37 PM, a Union Pacific (UP) Emergency Center dispatcher called 911 to report a "white male … late twenties, early thirties on an Amtrak train that is threatening people on the train with brass knuckles … and we need him to get off the train." At 12:01 AM, W-1 called the Mount Shasta Police Department (MSPD) and identified the passenger as Nicholas Detweiler. W-1 said that Mr. Detweiler was armed with brass knuckles, was acting "methed out,"[3] and "had been arrested last year for assaulting a cop …."[4] W-1 said that he intended to stop the train at the intersection of West Lake Street and Pine Street in the City of Mount Shasta to facilitate Mr. Detweiler's removal. At 12:09 AM, the UP Emergency Center dispatcher called MSPD to repeat the request for assistance. The MSPD dispatcher told the UP dispatcher that an officer had been summoned and backup requested.

MSPD computer-assisted dispatch (CAD) records document the following:

12:01 AM: "Rp from Amtrack [*sic*] requesting removal of passenger causing issues- eta 20-25 min"

12:03 AM: "Rp states passenger has pair of brass knuckles- keeps threatening staff and other passengers"

12:03 AM: "Rp states passenger has brass knuckles in right back pocket"

12:03 AM: "Wma mid 30s drug user exhibiting erratic behavior"

12:09 AM: "UP called and requested same-removal of passenger- updated eta of 10-15 mi"

Siskiyou County Sheriff's Office (SCSO) CAD records document the following:

12:07 AM: "ASSIST WITH TRAIN PASSENGER WHO IS THREATENING RIDERS AND STAFF MEMBERS. SUBJECT IS A WMA MID 30S, KNOWN DRUG USER ERRATIC BEHAVIOR AND BRASS KNUCKLES IN HIS BACK RIGHT POCKET"

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2 This report generally includes information about facts and circumstances leading up to the OIS, even if some of the information was unknown to the officer, in order to explain and give context to the entire incident.

3 Methamphetamine, commonly called "meth," is a widely-abused stimulant. Its use is correlated with aggressive and violent behavior.

4 Mr. Detweiler was convicted of felony battery on a peace officer on January 8, 2021. He had other felony convictions for resisting an executive officer (2020), possession of a dirk or dagger (2020), and assaulting a public safety officer (2018), as well as misdemeanor convictions for resisting a peace officer (2021), interfering with an officer (2018), and battery (2014).

Officer Capurro, the only MSPD officer on duty, responded. From the MSPD station, he drove his patrol vehicle to the intersection of Lake and Pine and arrived at 12:26 AM, at which time he activated his body-worn camera device (BWC). The train stopped less than a minute later. Once the train doors opened, Officer Capurro boarded car 34109, the second coach car in the center of the train. He was dressed in full duty uniform and equipped with a Glock nine-millimeter pistol, a Taser conducted energy weapon, a baton, and a miniature Maglite-brand flashlight.

Officer Capurro went to the train's upper floor, where W-1 guided him toward the front of the car and indicated a passenger in seat 9, the right window seat in the third row from the front of the car.

At 12:27 AM, Officer Capurro found Mr. Detweiler motionless and apparently asleep. After tapping his shoulder, Officer Capurro pulled Mr. Detweiler's hood back and asked, "Hey, how's it going?" Mr. Detweiler sprang to his feet and extended his left forearm toward the officer, who trained his flashlight on Mr. Detweiler.



Still image of Mr. Detweiler taken from Officer Capurro's BWC

After Officer Capurro identified himself as a police officer, Mr. Detweiler said, "Oh excuse me sir" and asked, "Is this the stop?" Officer Capurro replied, "Yeah this is the stop. You're coming off." The officer then directed Mr. Detweiler to "keep [his] hands up" three times and displayed his Taser in his left hand.



Still image of Mr. Detweiler taken from Officer Capurro's BWC

At 12:27:29, Officer Capurro twice directed Mr. Detweiler to "turn around." Rather than turn around, Mr. Detweiler picked up a plastic bag from seat 8. The officer told him, "Don't touch anything" and repeated his command while taking hold of the bag. After a brief struggle, Officer Capurro lost his grip on the bag, which remained in Mr. Detweiler's hand. When the officer took hold of Mr. Detweiler's forearm, Mr. Detweiler shook him off, maintaining his hold on the bag.



Still image taken from Officer Capurro's BWC showing Mr. Detweiler (in foreground) and W-1 (left of photo, backlit)

At 12:27:46, Officer Capurro activated the stun function of his Taser. Mr. Detweiler grabbed the device with both hands and the two men struggled for control of it for nine seconds.



Still image of Mr. Detweiler taken from Officer Capurro's BWC

During the struggle, the Taser discharged one probe into the floor and another into the roof of the train car. At some point Mr. Detweiler struck the officer, one or more times, in the face. Mr. Detweiler lost his grip on the Taser when W-1 seized him from behind and pulled him away from the officer. Officer Capurro activated his radio and said, "I need assistance, I need assistance now."



Still image taken from Officer Capurro's BWC

At 12:27:58, Officer Capurro approached Mr. Detweiler to try to apply his Taser. Three seconds later, the device fell from his hand and landed on seat 2.

At 12:28:04, Officer Capurro produced his baton and used it to strike Mr. Detweiler's extended left hand 12 times. Each told the other to "stop." Mr. Detweiler said, "I'm trying to leave the train with you." Officer Capurro commanded Mr. Detweiler to "get on the fucking ground." Mr. Detweiler remained standing in the vestibule near the car's front door.

At 12:28:25, Officer Capurro unholstered his pistol, held it in both hands, pointed it at Mr. Detweiler, and repeated his command to "get on the fucking ground." Mr. Detweiler remained standing in place while W-1 stood behind him by the car door. At 12:28:29, Mr. Detweiler removed a knit glove from his right hand. Four seconds later, he placed the fingers of his right hand into a set of brass knuckles. Despite the officer's commands, Mr. Detweiler remained standing.



Still image of Mr. Detweiler taken from Officer Capurro's BWC

At 12:28:42, Officer Capurro used his left hand to activate his radio and said, "One at gunpoint." At that same moment, Mr. Detweiler spun to his left, cocked his right arm back, and threw a punch at W-1, who was standing behind him.



Still image taken from Officer Capurro's BWC

After returning his left hand to his pistol, Officer Capurro fired his pistol four times at Mr. Detweiler, who fell toward the floor with his right arm around W-1's neck. One round struck W-1, who yelled "Ow" as he was carried downward by Mr. Detweiler. The officer fired a fifth time at 12:28:47, at which time W-1 broke free of Mr. Detweiler's grasp, and a sixth time at 12:28:49. W-1 and Mr. Detweiler both remained on the floor. While on the floor, Mr. Detweiler removed the brass knuckles from his right hand.

Officer Capurro activated his radio and said, "Shots fired, shots fired." Meanwhile, W-3, a passenger who had been seated in seat 1, climbed up and over the back of his seat. Officer Capurro asked W-1, "Are you hit?" and "Where?" W-1 replied, "Yeah" and "In the abdomen." At 12:29 AM, Officer Capurro used his left hand to activate his radio and said, "I need medical, shots fired."

Officer Capurro retrieved a set of handcuffs and instructed W-1 to lay on seats 3 and 4. He then turned Mr. Detweiler, who was laying on his left side, to a prone position. Using his radio, Officer Capurro repeated his request for medical assistance.

Officer Capurro used the handcuffs to secure Mr. Detweiler's hands behind his back. He returned Mr. Detweiler to a supine position and pulled up his sweatshirt and shirt to view his wounds. Officer Capurro then tended to W-1 in seat 3.

At 12:31 AM, Deputy Elias Amezcua of the SCSO arrived, followed a minute later by Deputy Devin Decker. Officer Capurro told the deputies, "So, he came up, punched me in the face. He's, he had brass knuckles. He basically got behind [W-1] almost like he was gonna take him hostage." Both deputies then tended to Mr. Detweiler, who still had a faint pulse. They were assisted by Officers Feuerhelm and Simmons of the California Highway Patrol, who had arrived moments after the deputies. At 12:33 AM, Deputy Amezcua began giving chest compressions. During this time, Officer Capurro talked with W-1 and encouraged him to "keep breathing."

At 12:38 AM, Officer Capurro and Deputy Decker assisted W-1 off the train by going through the front car door and into the next coach car, down the stairs, and out the lower-level doors. Three minutes later, Officer Capurro helped W-1 walk about 30 yards and climb inside the back of a waiting ambulance. Officer Capurro told Paramedic Kat Zeichick "the other guy's deceased" and said that W-1 was his "number one priority."

At 12:42 AM, MSPD Sergeant Walter Moore approached and asked, "What's going on," which led to the following exchange:

Capurro: So, should I leave this on or off?

Moore: That's fine. You leave it on. What's going on?

Capurro: Okay. So, I get a call, uh, Amtrak said that there was a guy that was on board that was threatening staff with brass knuckles –

Moore: Okay.

Capurro: – and they wanted me to come escort him out. Crystal advised me –

Moore: They stopped here?

Capurro: They stopped here. They advised me that he has, uh, already, uh, assaulted an officer at some point.

Moore: Okay.

Capurro: Um, so I get up there. These guys hadn't arrived yet. I get up there, he was sleeping. I knock; I shake him. He's not waking up. I shake him. Hey, hey, hey, flashlight. He gets up in a rage and, uh, he sees that I'm a cop and he's like, oh, whoa, whoa, whoa, whoa. I was like, knowing that he's got weapons on him, I'm like, hey, don't touch anything. He's not listening at all. He's grabbing his bag. He's hiding his hand. Um, and, uh, he's getting in my face really close, not listening to any of my words. I take my taser out. I'm like, stop touching your bag. Stop touching your bag. He's resisting me. At that point, I step back, I try to use my taser, not deploying it, but the stun button. And, um, he starts fighting me. He hits me in the face.

Moore: Okay.

Capurro: Um, he takes out his brass knuckles and basically backs the employee.

Moore: He has his brass knuckles on?

Capurro: Yeah.

Moore: Okay.

Capurro: He, he basically backs the employee up into the doorway. And I'm like, stop. So at this point, I don't have my taser. I've hit him multiple times with my baton. I was crushing his hand with my baton. Dude, get on the ground. Stop, stop, stop. My baton comes flying out. He's not listening. And he basically puts his brass knuckles on. He goes to the employee and starts to fucking hit him.

Moore: Okay.

Capurro: And at that point, I fucking fired.

Moore: Okay.

Capurro: So, I don't remember how many shots and I don't remember if he came at me –

Moore: Okay.

Capurro: – after, with the brass knuckles.

Moore: Okay, this guy here –

Capurro: This is the employee that he was –

Moore: Was he punched?

Capurro: I don't know. As soon as he –

Moore: Or hit with gunshots?

Capurro: – as soon as he started doing that, both.

Moore: Okay.

Capurro: So, so I was looking for bullet holes up there and it looks like the bullets ricocheted –

Moore: Okay.

Capurro: – off of the metal and it went through his side.

Moore: You're good now. So only suspect is the one that's probably deceased in there? Do we have any other outstanding, anything crazy like that? Okay. So, it's just him in there. And as far as you know, no one else got hit?

Capurro: I don't think anybody else got hit.

Moore: Okay.

Capurro: I mean, they, they ricocheted.

Moore: Where were you parked at?

Capurro: I'm on the other side of the train.

Moore: Okay.

Capurro: They ricocheted off the walls. So, I don't know. I was feeling weird at first. I need to do a check on myself. I don't think I was hit by anything.

Moore: Okay.

Capurro: But my chest is tight.

Moore: And he had the brass knuckles on?

Capurro: He had the brass knuckles on, and I don't remember if I fired after he hit him or before he was gonna hit him.

At 12:45 AM, Officer Capurro asked Sergeant Moore, "How's my face look?" Sergeant Moore responded, "He punched you in the face," and then, "You're bleeding a little bit."

Sergeant Moore walked with Officer Capurro to his patrol vehicle. At 12:47 AM, Sergeant Moore told Officer Capurro, "You can just take a break. You're done; you're not working the rest of the night." Two minutes later, Sergeant Moore gave Officer Capurro permission to deactivate his BWC.

At 12:47 AM, law enforcement personnel used a flexible carrier to move Mr. Detweiler's body from the train to a location on Lake Street about 50 feet to the west. They laid him on the roadway and

continued their lifesaving efforts until 12:53 AM, when an on-call emergency physician pronounced Mr. Detweiler dead.

W-1 was taken by ambulance to Mercy Medical Center in Mount Shasta, then to Mercy Medical Center in Redding. During emergency surgery, doctors removed a single bullet from his right thoracoabdominal area. They also noted apparent bullet fragments that they chose not to remove.

INVESTIGATION

Overview

On December 25, 2023, at 3:12 AM, DOJ's Division of Law Enforcement (DLE) California Police Shooting Investigation Team (CaPSIT) received notification of an OIS in Mount Shasta, Siskiyou County, California. The incident involved an officer from the MSPD and was determined to be a qualifying event within the meaning of Government Code section 12525.3.

Around 7:16 AM, Amtrak train 11 proceeded south to the Dunsmuir railyard. At 7:45 AM, car 34109 was decoupled from the remainder of train 11, which later continued southbound. With help from officers from other agencies, SCSO deputies secured car 34109 and blocked off the scene at Lake and Pine in Mount Shasta for evidentiary purposes.

CaPSIT agents responded to the incident scene to initiate a criminal investigation on behalf of DOJ. They examined both incident scenes, reviewed the location of evidence, received a briefing on the incident from the MSPD and SCSO, and were assigned investigative tasks.

The DOJ Bureau of Forensic Services (BFS) responded to both locations to monitor the processing of the incident scene and the collection of evidence. A Deputy Attorney General also responded.

Over the course of several months, DOJ conducted an extensive investigation and reviewed comprehensive materials regarding the incident, including the intersection of Lake and Pine Street in Mount Shasta; train car 34109; physical evidence; 911 audio recordings; dispatch recordings and logs; BWC footage from Officer Capurro; patrol vehicle camera footage; interviews of officers and civilians; BFS reports; autopsy report; forensic toxicology laboratory report; and MSPD use of force policies.

Incident Scene Description

Because car 34109 was detached from the remainder of train 11 in Dunsmuir, there were two incident scenes: the train car, which had been transported to Dunsmuir, and its former location near the intersection of Lake and Pine Streets in Mount Shasta.

The shooting took place aboard Amtrak train 11 when it was stopped near Lake and Pine in the City of Mount Shasta.



Intersection of Lake and Pine in City of Mount Shasta (not taken on date of incident). The entire incident, including the shooting, took place aboard car 34109, the second of two coach cars on train 11.

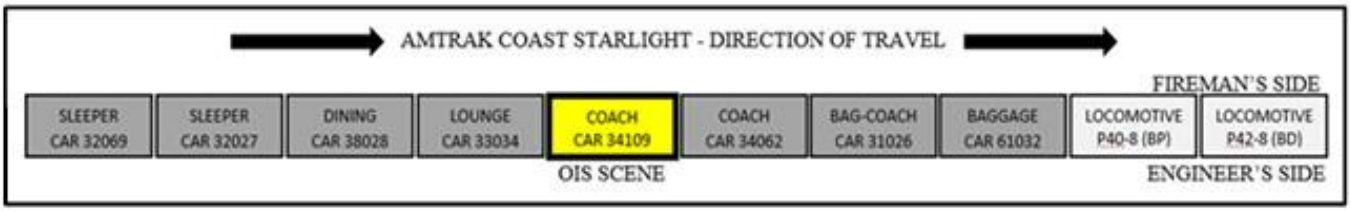
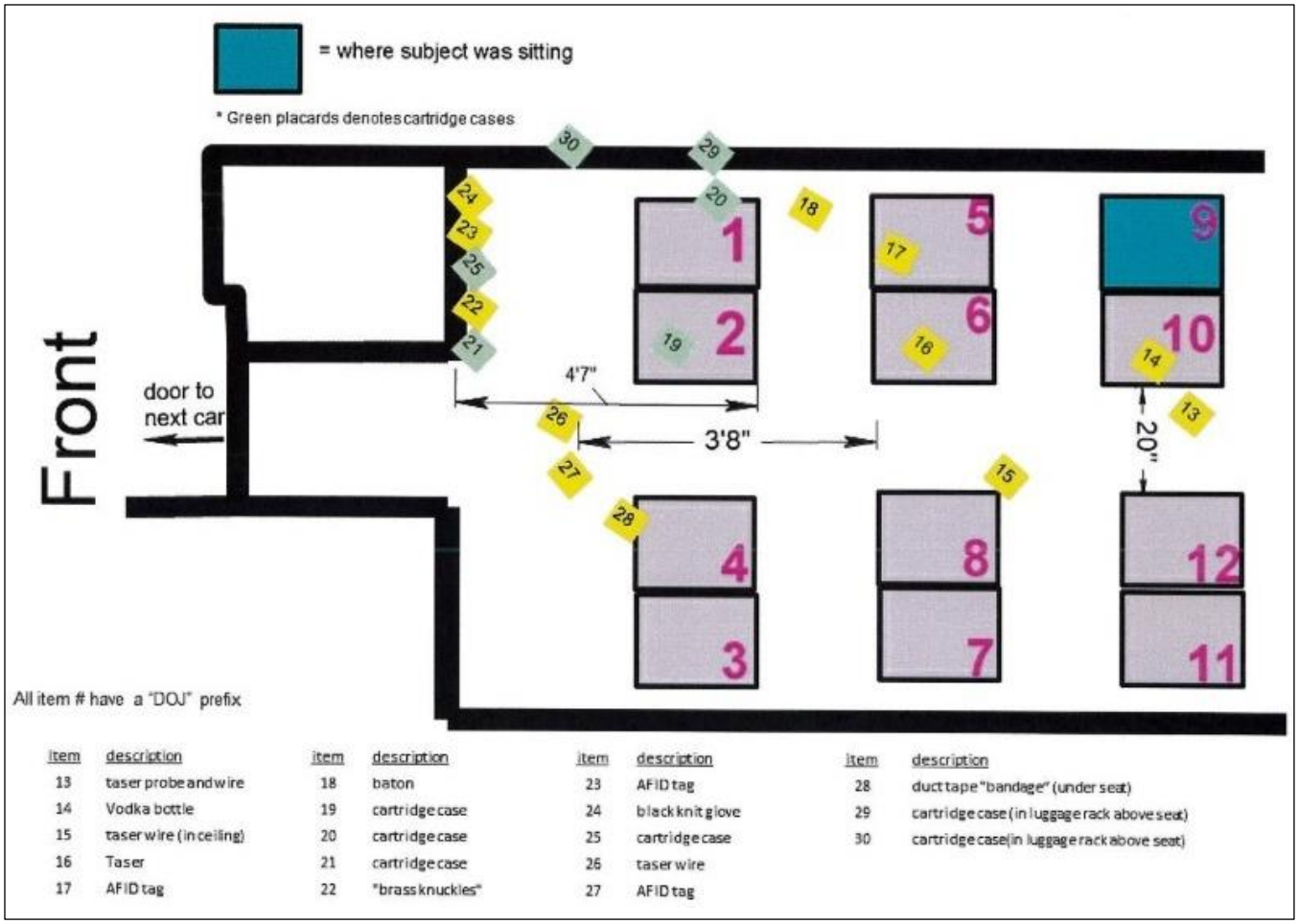


Diagram of Amtrak train number 11 on December 24–25, 2023

Incident Scene Evidence Recovery

BFS criminalists responded to process both scenes. They arrived at Lake and Pine on 12/25/23 at approximately 7:08 AM. From there, they went to the Dunsmuir railyard and conducted an examination of car 34109 for ballistic impacts, trajectories, and projectiles. In processing the scenes, a total of 17 items were documented, recovered, and booked as evidence. BFS criminalists also processed 40 other items of physical evidence that had been collected by other agencies. Finally, criminalists and agents took numerous photographs of both scenes.



Item	description	Item	description	Item	description	Item	description
13	taser probe and wire	18	baton	23	AFID tag	28	duct tape "bandage" (under seat)
14	Vodka bottle	19	cartridge case	24	black knit glove	29	cartridge case (in luggage rack above seat)
15	taser wire (in ceiling)	20	cartridge case	25	cartridge case	30	cartridge case(in luggage rack above seat)
16	Taser	21	cartridge case	26	taser wire		
17	AFID tag	22	"brass knuckles"	27	AFID tag		

Diagram showing location of evidence items on car 34109



Photo of bottle of vodka located on seat 10



Photo showing location of brass knuckles and bullet casings in footwell of seats 1 and 2

Officer Processing

After the incident, Officer Capurro walked to MSPD with Sergeant Moore, who took photographs of his uniform and face. Sergeant Moore then took Officer Capurro to Mercy Medical Center in Mount Shasta, where he reported "closed head injury without LOC (loss of consciousness), facial pain," and "assault." He was diagnosed with "blunt head injury" and "brain concussion."

Officer Capurro then returned to MSPD, where he was processed around 3:00 AM. He was wearing a full duty uniform. On the front right side of his duty vest were tags that read "J. CAPURRO" and "POLICE." Officer Capurro wore a badge on the left side of his duty vest. He had a visible injury on his right cheek near his nose.



Photo showing Officer Capurro's face

Officer Firearm Details

Officer Capurro carried a nine-millimeter Glock pistol that had an extended grip magazine and a magazine extension. As configured, the pistol had a 21-round capacity when loaded with one round in the chamber, 15 rounds in the grip magazine, and five rounds in the magazine extension. Officer Capurro possessed two additional magazines, each with a capacity of 20 rounds. When examined, the pistol had one live round in the chamber and 14 live rounds in the magazine. Each of the two additional magazines was loaded with 20 live rounds. Based on this examination and assuming the pistol magazines were fully loaded prior to the OIS, it appears that Officer Capurro fired six rounds.

Officer Equipment

Officer Capurro was wearing a standard duty belt with holsters for his pistol, Taser, and baton.

Video Recordings

Officer Capurro had an assigned BWC that he wore on his chest, and it was activated at the time of the incident. The BWC captured Officer Capurro's entry onto the train, the scene, and the actions of Mr. Detweiler and W-1.

No surveillance cameras were present in car 34109; consequently, no other video evidence is available.

Communications

DOJ obtained and reviewed copies of dispatch calls, 911 calls, radio communications, CAD logs/records, and message notifications related to the incident. The CAD printouts are consistent with the radio transmissions and provide a timeline of the key events.

Coroner's Investigation

On December 27, 2023, an autopsy of Mr. Detweiler was conducted by Dr. Catherine Nicka, M.D., at Girdner's Funeral Chapel in Yreka, California. Mr. Detweiler was a 32-year-old White male, six feet tall, weighing 210 pounds. During her examination, Dr. Nicka removed five projectiles from Mr. Detweiler's body. The autopsy report documented five gunshot wounds sustained by Mr. Detweiler during the incident. The cause of death was determined to be "multiple gunshot wounds of the trunk," and the manner of death "homicide."

The toxicology test revealed the presence of ethyl alcohol and several ingredients and metabolites of cannabis. Mr. Detweiler's blood alcohol content was 0.04% at the time of his death.

Forensic Analysis

When examined and test fired, Officer Capurro's Glock pistol worked as expected. BFS examined and analyzed the cartridge cases collected on car 34109 and determined that they had been cycled through Officer Capurro's pistol. BFS also examined and analyzed bullets and bullet fragments collected from the autopsy and from W-1's body but were unable to determine whether they had been fired from Officer Capurro's pistol.

Interview of Officer Capurro

The officer involved in this incident did not provide voluntary statements after December 25, 2023. Police officers, like all individuals, have the right to remain silent and decline to answer questions in the face of official questioning. (*Spielbauer v. County of Santa Clara* (2009) 45 Cal.4th 704, 714; see generally *Miranda v. Arizona* (1966) 384 U.S. 436.)

Public employees, including police officers, may be compelled by an employer to answer questions for administrative purposes, but the use of such statements in criminal proceedings is prohibited. (*Lybarger v. City of Los Angeles* (1985) 40 Cal.3d 822, 827-828, citing *Lefkowitz v. Turley* (1973) 414 U.S. 70, 77-79, *Garrity v. State of New Jersey* (1967) 385 U.S. 493, 500.) Accordingly, no compelled statements were considered as part of this investigation.

Interviews of Civilian Witnesses

Numerous civilian witnesses were interviewed by DOJ, MSPD, CHP, and SCSO investigators. The following are summaries of the relevant civilian witness interviews, which describe the incident from the point of view of each person. As with any witness, their recollections may be inconsistent with the facts ultimately determined by DOJ's independent review of the evidence, including video footage.

W-1

On March 11, 2024, at 10:00 AM, DLE Special Agent (SA) Brian Meeker interviewed W-1 at DOJ's Sacramento Regional Office. Also present were SA Nick Davis and Jessica Danielski, W-1's attorney.

W-1 told SA Meeker that shortly after the train left Klamath Falls, a passenger reported that another passenger was displaying brass knuckles and "looking pretty menacing." W-1 contacted Mr. Detweiler standing at the front of car 34109. Mr. Detweiler told W-1 he was "trying to go to Emeryville." W-1 guided Mr. Detweiler to his assigned seat in car 34109. After conferring, W-1 and W-2 decided to have Mr. Detweiler removed from the train because brass knuckles are a deadly weapon, it was the middle of the night, and the train was traveling through remote areas that lacked cell phone service.

W-1 had the train engineers relay a request for help to the UP Emergency Center. After he did so, a different passenger reported that the man with brass knuckles was looking menacing and "scaring people." W-1 found Mr. Detweiler on car 34062 and reminded him that his seat was in car 34109. Mr. Detweiler set down a bag he was carrying and pulled out brass knuckles. W-1 persuaded Mr. Detweiler to put the brass knuckles away and guided him back to his seat a second time.

W-1 monitored Mr. Detweiler for about 15 minutes to ensure that he remained seated. He then called MSPD, explained the situation, and requested officer assistance in having Mr. Detweiler removed from the train at Mount Shasta. He also directed some passengers seated in the middle of car 34109 to move a few seats back.

After the train stopped and Officer Capurro came aboard, W-1 directed him to Mr. Detweiler. W-1 witnessed a "little hand fight" between Mr. Detweiler and the officer. W-1 was standing behind Mr. Detweiler at the time.

W-1 believed that Mr. Detweiler had attacked the officer so he "tried to get on [Mr. Detweiler's] back to try and pull him off." As he did so, W-1 realized that Mr. Detweiler had "some biceps" and "muscle." Mr. Detweiler turned and looked at W-1 with "this look of, like, I'm going to kill …." Mr. Detweiler started to hit W-1 and "shots rang out."

W-1 was taken to Mercy Medical Center in Redding. A bullet was removed from his body during surgery. Doctors informed him that he had been shot two separate times.

W-2

On January 4, 2024, SA Meeker interviewed W-2 at the Sacramento Amtrak station. Also present were SA Nick Davis and Amtrak Police Department Detective Isaac Benabou.

W-2 told SA Meeker that two different passengers had informed him and W-1 that Mr. Detweiler acted erratically, displayed brass knuckles, and appeared "menacing." W-2 saw Officer Capurro contact Mr. Detweiler. According to W-2, Mr. Detweiler did not comply with Officer Capurro's commands. W-2 saw Mr. Detweiler strike the officer twice in the head before the shooting.

W-3

On December 25, 2023, around 5:00 AM, Siskiyou County District Attorney Investigator Levi Machado interviewed W-3, who had been in car 34109.

W-3 told Investigator Machado that he was laying in seat 1 at the front of car 34109 when the incident occurred. W-3 heard the officer tell Mr. Detweiler to "calm down" and "stop resisting" but Mr. Detweiler continued resisting. The officer pulled out his baton and told Mr. Detweiler to get on the ground. W-3 saw Mr. Detweiler kick the officer twice before the shooting happened.

Other passengers

Investigators interviewed numerous other passengers on train 11, but they had not been awake or otherwise in a position to observe the incident.

W-4

On December 27, 2024, at 12:53 PM, DOJ Special Agent Supervisor (SAS) TJ Lewis interviewed W-4, Mr. Detweiler's mother, by phone. W-4 told SAS Lewis that her son "had mental disabilities" and was "not able to follow direction." She explained that he had schizophrenia and obsessive-compulsive disorder but was unable to take medication due to allergies.[5]

APPLICABLE LEGAL STANDARDS

Homicide is the killing of one human being by another. (*People v. Beltran* (2013) 56 Cal.4th 935, 941.) There are two types of criminal homicide, murder and manslaughter.

Murder

Murder is the unlawful killing of a human being with malice aforethought. (Pen. Code, § 187, subd. (a).) Murder is divided into first and second degrees. A willful, deliberate, and premeditated killing is murder of the first degree. (Pen. Code, § 189; *People v. Hernandez* (2010) 183 Cal.App.4th 1327, 1332.)

Second degree murder is the unlawful killing of a human being with malice aforethought but without the additional elements of willfulness, premeditation, and deliberation that would support a conviction of first degree murder. (*People v. Knoller* (2007) 41 Cal.4th 139, 151.) The malice required for second degree murder may be express or implied. (Pen. Code, § 188; *Hernandez, supra*, 183 Cal.App.4th at p.1332.) Malice is express when there is an "intent to kill." (Pen. Code, § 188; *People v. Delgado* (2017) 2 Cal.5th 544, 571.) Malice is implied "when the killing results from an intentional act, the natural consequences of which are dangerous to life, which act was deliberately performed by a person who knows that his [or her] conduct endangers the life of another and who acts with conscious disregard for life." (*People v. Dellinger* (1989) 49 Cal.3d 1212, 1215.)

A homicide may also be reduced to second degree murder if premeditation and deliberation are negated by heat of passion arising from subjective provocation. If the provocation precludes a person from deliberating or premeditating, even if it would not cause an average person to experience deadly passion, the crime is second degree murder. (*People v. Padilla* (2002) 103 Cal.App.4th 675, 678.)

Voluntary Manslaughter

Manslaughter is an unlawful killing without malice. (Pen. Code, § 192; *People v. Thomas* (2012) 53 Cal.4th 771, 813.) Several factors may preclude the formation of malice and reduce a killing that would otherwise be murder to voluntary manslaughter including: (1) heat of passion, and (2) imperfect self-defense. (*People v. Moye* (2009) 47 Cal.4th 537, 549.)

Imperfect self-defense is the killing of another human being under the actual but unreasonable belief that the killer was in imminent danger of death or great bodily injury and that the use of deadly force is necessary to defend against that danger. Such a killing is deemed to be without malice and thus cannot

5 A 2023 probation report for Mr. Detweiler documented prior diagnoses of schizophrenia, paranoid type.

be murder. (*People v. Cruz* (2008) 44 Cal.4th 636, 664.) The doctrine of imperfect self-defense cannot be invoked, however, by a person whose own wrongful conduct (for example, a physical assault or commission of a felony) created the circumstances in which the adversary's attack is legally justified. (*People v. Booker* (2011) 51 Cal.4th 141, 182.)

Self-Defense

A homicide is justified and lawful if committed in self-defense. Self-defense is a complete defense to a homicide offense, and, if found, the killing is not criminal. (*People v. Sotelo-Urena* (2016) 4 Cal.App. 5th 732, 744.) When a person is charged with a homicide-related crime and claims self-defense, the prosecution must prove beyond a reasonable doubt that the homicide was not committed in self-defense. (*People v. Winkler* (2020) 56 Cal.App.5th 1102, 1167.)

Penal Code sections 196 *et. seq*. set forth the law of self-defense in homicide cases. Penal Code section 196 provides that a homicide committed by a peace officer is justified when the use of force complies with Penal Code section 835a. (Cf. Pen. Code, § 197 [listing circumstances where homicide committed by "any person" is justifiable, which include self-defense or the defense of others].)

Under Penal Code section 835a, an officer may use deadly force only when the officer "reasonably believes, based on the totality of the circumstances, that such force is necessary": (1) "to defend against an imminent threat of death or serious bodily injury to the officer or to another person"; or (2) to apprehend a fleeing person who has committed a felony "that threatened or resulted in death or serious bodily injury," and the officer "reasonably believes that the person will cause death or serious bodily injury" if not immediately apprehended. (Pen. Code, § 835a, subd. (c)(1); see Pen. Code, § 835a, subd. (a)(2) [peace officers may lawfully use deadly force "only when necessary in defense of human life"]; *People v. Randle* (2005) 35 Cal.4th 987, 994 [self-defense arises when a person actually and reasonably believes in the necessity of defending against imminent danger of death or great bodily injury], overruled on other grounds by *People v. Chun* (2009) 45 Cal.4th 1172.)

To determine whether deadly force is necessary, "officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." (Pen. Code, § 835a, subd. (a)(2); *People v. Hardin* (2000) 85 Cal.App.4th 625, 629-630 ["only that force which is necessary to repel an attack may be used in self-defense; force which exceeds the necessity is not justified" and "deadly force or force likely to cause great bodily injury may be used only to repel an attack which is in itself deadly or likely to cause great bodily injury"].)

A threat of death or serious bodily injury is "imminent" when, based on the "totality of the circumstances," a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or to another person. (Pen. Code, § 835a, subd. (e)(2); see *People v. Lopez* (2011) 199 Cal.App.4th 1297, 1305-1306 [imminent peril is "immediate and present" and "must be instantly dealt with"; it is not prospective or even in the near future].)

"Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force. (Pen. Code, § 835a, subd. (e)(3).) De-escalation methods, tactics, the availability of less than lethal force, and department policies may be used when evaluating the conduct of the officer. However, when an officer's use of force is

evaluated, it must be considered "from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force." (Pen. Code, § 835a, subd. (a)(4); accord, *Graham v. Connor* (1989) 490 U.S. 386, 396-397 ["The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight"]; *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082-1083 [to determine whether use of force is objectively reasonable for self-defense, trier of fact must consider all the circumstances that were known or appeared to the officer as well as consideration for what a reasonable person in a similar situation with similar knowledge would have believed]; *People v. Bates* (2019) 35 Cal.App.5th 1, 9-10 [knowledge of another person's prior threatening or violent conduct or reputation for dangerousness may provide evidence to support a reasonable belief in imminent harm].)

Self-defense also has a subjective component. (*People v. Humphrey, supra*, 13 Cal.4th at p. 1082.) The subjective element of self-defense requires that a person actually believe in the need to defend against imminent peril or great bodily injury. (*People v. Viramontes* (2001) 93 Cal.App.4th 1256, 1262.)

Burden of Proof

A prosecutor bears the burden of proving a criminal defendant's guilt beyond a reasonable doubt. (Pen. Code, § 1096.) Where an investigation is complete and all of the evidence is available for review, prosecutors should file charges only if they believe there is sufficient admissible evidence to prove the charges beyond a reasonable doubt at trial. (See, e.g., Nat. Dist. Attys. Assn., National Prosecution Standards (3d ed. 2009) Part IV, § 2 pp. 52-53; United States Department of Justice Manual § 9-27.220; Melilli, Prosecutorial Discretion in an Adversary System (1992) B.Y.U. L.Rev. 669, 684-685 [surveying ethical standards used in the exercise of charging discretion by prosecutors]; accord, *People v. Catlin* (2001) 26 Cal.4th 81, 109 ["A prosecutor abides by elementary standards of fair play and decency by refusing to seek indictments until he or she is completely satisfied the defendant should be prosecuted and the office of the prosecutor will be able to promptly establish guilt beyond a reasonable doubt," quotation and internal quotation marks omitted]; *People v. Spicer* (2015) 235 Cal.App.4th 1359, 1374 [explaining that a prosecutor may have probable cause to charge a crime but reasonably decline to do so if they believe there is a lack of sufficient evidence to prove the charge beyond a reasonable doubt at trial]; cf. Cal. Rules Prof. Conduct, Rule 3.8(a) [prosecutor should not initiate or continue prosecution of charge that is not supported by probable cause].)

Further, the prosecution has the burden of proving beyond a reasonable doubt that a killing is not justified. A criminal defendant has no burden to prove that the force used was necessary or reasonable. (*People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.) Thus, in an officer-involved shooting, the prosecution must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others.

LEGAL ANALYSIS

DOJ has completed an independent investigation and review of the facts and circumstances that led to the death of Mr. Detweiler. This analysis is based on all the evidence gathered by DOJ in this matter, including witness interviews, law enforcement reports, analyses of firearms and ballistics,

physical evidence, the autopsy and toxicology reports, BWC camera footage, photographs, and communication evidence.

Because a prosecuting agency would need to affirmatively prove beyond a reasonable doubt that Officer Capurro did not act in lawful defense of himself or others, this is the primary issue in determining whether criminal charges should be filed. A detailed analysis of the evidence pertaining to the OIS demonstrates that a prosecution could not establish that the officer was objectively unreasonable in determining that lethal force was necessary to protect himself or others, or that the officer did not actually hold this view. Therefore, the evidence is insufficient to support criminal charges.

Subjective Belief

The evidence shows that the officer actually believed in the need to defend against imminent peril or great bodily injury. Officer Capurro stated that he fired lethal rounds at Mr. Detweiler because he saw that Mr. Detweiler was then assaulting W-1 with a deadly weapon. The officer stated his perception that Mr. Detweiler posed an immediate threat, justifying the use of deadly force: "He's not listening. And he basically puts his brass knuckles on. He goes to the employee and starts to fucking hit him."

Before the incident, Officer Capurro was informed that Mr. Detweiler could pose a violent threat to others. He explained to Sergeant Moore, "Amtrak said that there was a guy that was on board that was threatening staff with brass knuckles …." In recorded phone calls, W-1 and W-2 had requested law enforcement's help in removing Mr. Detweiler from the train because he possessed metal knuckles. By statute, this item is a deadly weapon. (See Govt. Code, § 12525.3, subd. (a)(1).) Its possession is illegal under California law and punishable as a felony. (Pen. Code, § 21810.)[6]

After contacting Mr. Detweiler, Officer Capurro found him uncooperative. He told Sergeant Moore, "Knowing that he's got weapons on him, I'm like, hey, don't touch anything. He's not listening at all. He's grabbing his bag. He's hiding his hand. Um, and, uh, he's getting in my face really close, not listening to any of my words." The officer's BWC video shows that Mr. Detweiler did not turn around when instructed to do so and seized a bag when the officer told him, "Don't touch anything."

Officer Capurro used non-lethal force by applying his Taser: "I try to use my taser, not deploying it, but the stun button." Mr. Detweiler responded by grabbing the device. During the struggle, which lasted nine seconds, Mr. Detweiler avoided the Taser's stun feature. He then managed to strike the officer. Officer Capurro told Sergeant Moore that "he starts fighting me. He hits me in the face." Officer Capurro went to Mercy Medical Center for injuries to his face, which were visible to Sergeant Moore. Medical records and photographs also document the officer's injuries.

After the Taser proved ineffective, Officer Capurro deployed his baton to try to subdue Mr. Detweiler, who was then at the front of the train car with his back to W-1. The officer told Sergeant Moore, "I was crushing his hand with my baton. Dude, get on the ground. Stop, stop, stop. My baton comes flying out. He's not listening." The officer's BWC shows the officer using his baton to strike the left arm of Mr. Detweiler, who refused repeated commands to get on the floor.

6 Although unknown to the officer at the time, Mr. Detweiler was on active felony probation whose terms prohibited him from possessing weapons of any kind.

After losing his grip on his baton, Officer Capurro unholstered his pistol, aimed it at Mr. Detweiler, and repeated his commands to "Get on the ground." Rather than comply, Mr. Detweiler stood his ground, argued with the officer, removed a knit glove from his right hand, and placed the fingers of his right hand into a set of metal knuckles. These facts are clearly shown from the officer's BWC video. From these facts, a reasonable officer could conclude that Mr. Detweiler was preparing to use deadly force.

Finally, Officer Capurro decided to fire his pistol four times when Mr. Detweiler appeared to attack W-1. The officer explained: "He basically puts his brass knuckles on. He goes to the employee and starts to fucking hit him. [¶] And at that point, I fucking fired." The BWC video shows that after donning the metal knuckles, Mr. Detweiler spun to his left, cocked his right arm, and threw a punch toward W-1, who was standing directly behind him. By that point, Mr. Detweiler had already struck the officer in the face. From these facts, a reasonable officer could conclude that Mr. Detweiler was actually using deadly force. When Mr. Detweiler fell toward the floor with his arm around W-1, causing W-1 to fall with him, the officer fired two more shots at Mr. Detweiler, causing him to release his hold on W-1.

The factual statements by Officer Capurro are largely consistent, and no available evidence undermines their credibility. These statements demonstrate that the officer used deadly force because he apparently believed that Mr. Detweiler was going to assault W-1 with brass knuckles or otherwise harm the public.

In addition, the officer's observations were corroborated by BWC video, which shows Mr. Detweiler holding brass knuckles, turning, cocking his right arm, and launching his fist at W-1. Even after the officer's first volley of four shots, Mr. Detweiler continued to hold W-1 around his neck, showing that he was an ongoing danger. The officer's statements, combined with the other evidence, show that his assertions — that he apparently believed the use of deadly force was necessary to prevent serious physical harm or death — were credible.

Objective Reasonableness

Moreover, it was not unreasonable for the shooting officer to believe, based on the totality of the circumstances, that deadly force was necessary to defend against an imminent threat of death or serious bodily injury to the officer or others.

A reasonable officer in the same situation as Officer Capurro could have believed that Mr. Detweiler had the present ability to immediately cause death or serious bodily injury. The BWC shows that, instead of complying with the officer's commands to get on the floor, Mr. Detweiler chose to arm himself with metal knuckles when W-1 was standing directly behind him.

A reasonable officer in the same situation as Officer Capurro could also have believed that Mr. Detweiler had the intent to immediately cause death or serious bodily injury. The BWC shows that after placing the metal knuckles on his right hand, Mr. Detweiler actually used force by throwing a right-handed punch at W-1. Only then did the officer fire his pistol.

Thus, the totality of the evidence shows that Officer Capurro apparently held the subjective belief that deadly force was necessary to defend himself and W-1 from imminent deadly force, and that such belief was not objectively unreasonable. A prosecution, therefore, could not prove beyond a reasonable doubt that the officer's use of force was unlawful.

CONCLUSION

Based on the investigation and review of evidence, along with the applicable statutes, legal principles, and subsequent analysis, there is insufficient evidence to support a criminal prosecution of Officer Capurro. Consequently, no further action will be taken in this case.

CALIFORNIA

DEPARTMENT OF JUSTICE

Policy and Practice Recommendations for the Mount Shasta Police Department Related to the Death of Nicholas Detweiler on December 25, 2023

ISSUED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 12525.3, SUBDIVISION (B)(2)(B)(III)

November 2026

POLICY AND PRACTICE RECOMMENDATIONS

The Attorney General is required to include "[r]ecommendations to modify the policies and practices of the law enforcement agency, as applicable" as a component of this report. (Gov. Code, § 12525.3, subd. (b)(2)(B)(iii).) Therefore, the Department of Justice (DOJ) through its Police Practices Section of the information obtained through the criminal investigation, which may include a review of policies concerning body worn camera footage, interview recordings, video recordings, witness statements and other records, as well as the publicly available policies of the agency employing the officers who are subject to the criminal investigation. The Police Practices Section uses the review process to identify applicable recommendations, including any recommendations to modify policies and practices that may reduce the likelihood that officers use deadly force, as well as recommendations to address any other deficiency or concern related to the officers' conduct or the agency's response. The Police Practices Section's goal is that these recommendations will assist the agency and the officers involved in the incident in understanding, from an independent perspective, improvements that may be made to address what was observed through this incident.[1]

As background, at about 12:01 a.m. on December 25, 2023, an Amtrak assistant conductor (the Conductor) called the Mount Shasta Police Department (Mount Shasta PD) requesting assistance to remove a passenger from the train. The Conductor identified the passenger as Nicholas Detweiler to the Mount Shasta PD dispatcher and reported that Mr. Detweiler had threatened passengers and several employees with a set of "brass knuckles," was acting erratically, and was "acting like a meth-head; like he's meth'ed out." The Conductor reported to dispatch that Mr. Detweiler had assaulted officers in a past incident and currently kept the metal knuckles in the back right pocket of his pants. Mount Shasta PD dispatch called the Siskiyou County Sheriff's Office (Siskiyou County SO) to request backup; the latter dispatcher responded that she would radio out and call back to update Mount Shasta PD dispatch on whether Siskiyou County SO deputies were available to assist.

Officer Jeremiah Capurro was the only Mount Shasta PD officer on duty at the time. Since Officer Capurro was at the police station, it appears that the Mount Shasta PD dispatcher briefed Officer Capurro in person because there is no dispatch recording or otherwise of what information was conveyed to him before he arrived on scene to remove Mr. Detweiler from the Amtrak train.[2] At about 12:14 a.m., Siskiyou County SO dispatch called Mount Shasta PD dispatch alerting the latter that deputies were en route.

1 Metal knuckles were utilized by Mr. Detweiler at the time of this shooting, and metal knuckles are defined as deadly weapons under Penal Code section 21810, thereby, excluding this matter as a qualifying event under Government Code section 12525.3. However, it was not readily apparent on the night of the shooting that Mr. Detweiler utilized metal knuckles at the time of the shooting. After DOJ took over the investigation from the Siskiyou County District Attorney's Office, the DOJ completed the investigation.

2 Neither Officer Capurro nor the Dispatcher provided a voluntary statement to DOJ. The description of events is based on Officer Capurro's body worn camera footage, witness interviews, dispatch records, and other evidence from the scene.

About 20 minutes after the Conductor's call, the train stopped in Mount Shasta to enable Mount Shasta PD to respond to the call. The Conductor moved nearby passengers with children and locked the downstairs door to limit Mr. Detweiler's movement. As he explained in a later interview, "[t]hat is our Number 1 priority is not on time trains. It's not ticket collection. It's passenger safety." The Conductor further explained in his later interview that Mr. Detweiler had been motionless in his seat with his hood on for about an hour and forty minutes by the time the train stopped. However, this additional information was not conveyed to Officer Capurro.

At about 12:26 a.m., Officer Capurro arrived on scene and promptly boarded the train with the Conductor. There were several passengers in the train coach and the lights on the train coach were off. About 25 seconds later, Officer Capurro located Mr. Detweiler on the second level of a train coach sitting next to several shopping bags. Mr. Detweiler appeared to be asleep. Officer Capurro shined his light on Mr. Detweiler, began tapping him on the shoulder, and then pulled back the hood of his sweatshirt. Mr. Detweiler woke up within a few seconds with a vacant gaze and stood up asking whether this was his stop. Mr. Detweiler did not acknowledge Officer Capurro's repeated commands to keep his hands up and not touch anything.[3]

Officer Capurro pointed his TASER at Mr. Detweiler. Mr. Detweiler grabbed a green plastic bag from his chair with his right hand. Officer Capurro immediately grabbed the green plastic bag and ordered Mr. Detweiler to let go of it. Mr. Detweiler attempted to wrestle the bag from Officer Capurro's grip. Without verbal warning, Officer Capurro used his TASER in drive-stun mode and discharged electricity for 0.706 seconds, to drive stun Mr. Detweiler's gloved hand.[4] When Mr. Detweiler did not react to the TASER, Officer Capurro radioed for assistance.

Mr. Detweiler then attempted to back away down the aisle of the train saying, "guy, I told you to please keep away from me." Officer Capurro discharged both TASER probes toward Mr. Detweiler. One set of probes and wires was found on the floor, and the other set was found in the ceiling of the train. Sometime during the struggle, Mr. Detweiler hit Officer Capurro in the face.[5]

Thereafter Mr. Detweiler was backed up against the Conductor who was standing in between Mr. Detweiler and the closed train coach door, in an approximately 30-inch by 30-inch space in front of the door the Conductor had secured. Without verbal warning, Officer Capurro drew his baton and began to strike Mr. Detweiler while shouting "get on the fucking ground." Mr. Detweiler stood with his arms in front of his face saying, "stop, guy, stop. I'm trying to get off the train with you. Stop, guy, stop. Can you grab my things so I can leave the train with you? Hey guy, I told you to keep that away from me.

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3 The autopsy report indicates that Mr. Detweiler had orange ear plugs in his ears.

4 See *Bryan v. MacPherson* (9th Cir. 2010) 630 F.3d 805, 824 (explaining that, in probe mode, the TASER fires a pair of steel barbs that strike a person to send an "electrical impulse instantly overrides the victim's central nervous system, paralyzing the muscles throughout the body"). In drive-stun mode, an officer presses the TASER directly against a person's body, pulling the trigger to activate electricity. Drive-stun mode does not induce neuromuscular incapacitation but relies upon pain compliance to be effective. (See *Marquez v. City of Phoenix* (9th Cir. 2012) 693 F.3d 1167, 1171 ("'Drive-stun mode' does not incapacitate the target but instead encourages the suspect to comply by causing pain.").

5 While talking with a sergeant about 15 minutes after the shooting, Officer Capurro stated that Mr. Detweiler punched him in the face. Officer Capurro sustained facial bruising and a diagnosed concussion. Officer Capurro's body worn camera footage does not capture at what point Mr. Detweiler struck Officer Capurro.

Please guy, stop. Guy, stop, I'm just trying to get off the train with you. Yeah, I, can you grab my things, so I can leave the train with you?" Officer Capurro struck Mr. Detweiler with his baton with two thrusting strikes and twelve overhand strikes over about 20 seconds, while Mr. Detweiler remained standing in front of the Conductor holding his arms in front of him. Officer Capurro then dropped his baton, drew his firearm, and—without verbal warning—aimed directly at Mr. Detweiler. Mr. Detweiler responded by putting his metal knuckles onto his right hand. Mr. Detweiler then said, "I need to leave the train with you. Can we leave the train? Can he pick up my bags, and, so I can leave?"

After 10 seconds at gunpoint, Officer Capurro radioed "one at gun point" as Mr. Detweiler quickly turned around and raised his right arm as if he was about to strike the Conductor in the head with the metal knuckles. Officer Capurro discharged his handgun at Mr. Detweiler four times in rapid succession with the Conductor directly behind Mr. Detweiler. Mr. Detweiler then fell to the ground with his arms wrapped around the Conductor, whom he pulled to the ground with him. Officer Capurro discharged his handgun two more times at Mr. Detweiler on the ground. The Conductor crawled away from Mr. Detweiler toward passenger seats on the left side of the train. Officer Capurro asked the Conductor, "are you hit?" The Conductor responded "yes." Officer Capurro reached to his radio on his vest and reported "shots fired, shots fired." In total, approximately 94 seconds elapsed between Mr. Detweiler waking up and Officer Capurro shooting him.

Officer Capurro then handcuffed Mr. Detweiler, rolled him onto his back and frisked his pockets. Mr. Detweiler was not moving at this time. Officer Capurro next began tending to the Conductor who was clearly in pain but responsive. Officer Capurro unbuttoned the Conductor's jacket and lifted his undershirt revealing a puncture wound on his upper left abdomen.

At 12:31 a.m., five minutes after Officer Capurro first entered the train and three minutes after the shooting, two Siskiyou County SO deputies arrived on scene, entered the train coach, and provided medical attention to Mr. Detweiler. At 12:35 a.m., Officer Capurro and a Siskiyou County SO deputy provided first aid to the Conductor. Mr. Detweiler sustained five gunshot entry wounds from the six shots and was later declared deceased at the scene. The Conductor required surgery for two wounds from a single gunshot—one on the right thoracic abdomen and the other in the left thoracic abdomen—and a collapsed lung and was released in stable condition four days later.

The Police Practices Section evaluated all the facts and available evidence, and pursuant to its obligations under Government Code section 12525.3, subdivision (b)(2)(B)(iii), advises Mount Shasta PD to review and implement the following six recommendations:

RECOMMENDATION ONE: PROVIDE ADDITIONAL TRAINING REGARDING SCENE ASSESSMENT AND TACTICAL PLANNING

The Police Practices Section recommends that Mount Shasta PD provide additional training regarding assessing a situation and developing a tactical plan prior to making contact with subjects, when feasible.

Mount Shasta PD instructs officers that they "are expected to use de-escalation techniques" including "[s]cene assessment and management" as the first option. (Mount Shasta PD Policy Manual, Section 300.2.2.) Mount Shasta PD policy also instructs: "Officers should not engage in tactics which create an

exigency resulting in less time to decide on the proper level of force or necessitate the use of an increased level of force." (*Ibid.*) De-escalation is about slowing down an encounter when feasible to reduce the threat to all involved.[6] Many agency policies explicitly require peace officers to assess a scene and modulate their actions accordingly, including attempting to isolate subjects in crisis.[7]

Prior to Officer Capurro's arrival, the Conductor locked one escape first-floor route, moved two passengers with small children, and then secured the upper front door as a precautionary measure to protect their safety. However, after Officer Capurro arrived on scene, he did not attempt to gather information from the Conductor before immediately entering the train coach and going to Mr. Detweiler's location. Nor does it appear that Officer Capurro developed a tactical plan to account for the Conductor or the remaining bystanders in the passenger train coach. When Officer Capurro encountered Mr. Detweiler, who appeared to be sleeping in his seat, despite the lack of exigency, Officer Capurro did not clear the Conductor or passengers from the train coach, even those in adjacent rows. Instead, he immediately attempted to wake Mr. Detweiler, shone a flashlight into Mr. Detweiler's face, and put his hands on Mr. Detweiler within seconds of Mr. Detweiler remaining asleep and not responding.

The Police Practices Section recommends that Mount Shasta PD provide additional training on assessing a situation and developing a tactical plan prior to making contact with subjects, when feasible. Mount Shasta PD should also provide training on when to isolate and contain subjects experiencing a crisis prior to engagement when appropriate and feasible. Mount Shasta PD should further provide training on how to account for the safety of bystanders prior to engagement when appropriate and feasible.

RECOMMENDATION TWO: PROVIDE ADDITIONAL TRAINING ON USE OF ELECTRONIC CONTROL DEVICES

The Police Practices Section recommends that Mount Shasta PD provide additional training regarding the effective use of electronic control devices (ECDs), including TASERS.

ECDs usually have two modes: probe and drive-stun. (*Bryan v. MacPherson* (9th Cir. 2010) 630 F.3d, 824.) In probe mode, an officer fires two barbs at a person's body. Probe mode is generally more

6 Police Executive Research Forum (PERF), Guiding Principles on Use of Force (Mar. 2016) p. 22 ("[T]his report is about the incidents where officers do have time to assess the threat and develop a response that best protects everyone, including themselves." [full quote emphasized in original]); *id.* at p. 27 (Critical Decision-Making Chart in which second step is "[a]ssess situation, threats, and risks."); International Association of Chiefs of Police, National Consensus Policy and Discussion Paper on Use of Force (Oct. 2017; rev. July 2020) p. 9 ("In most instances, the goal of de-escalation is to slow down the situation so that the subject can be guided toward a course of action that will not necessitate the use of force, reduce the level of force necessary, allow time for additional personnel or resources to arrive, or all three.").

7 See, e.g., Long Beach Police Department (Aug. 31, 2026) Policy 10 ("Officers shall constantly assess the situation, which includes de-escalation techniques and the need to use force."); Sacramento Police Department General Order 580.18 *De-Escalation and Planned Response* (Dec. 1, 2020) ("As additional information or factors become known to the peace officer, responding peace officers need to remain flexible and adapt to changing circumstances. Peace officers should attempt to isolate and contain subjects who are experiencing a crisis situation."); San Francisco Police Department, *General Order 5.01.04(C)*: *Considerations Governing All Uses of Force* (Sep. 2024) (officers shall "[m]ake reasonable attempts to isolate and contain the subject").

effective the further apart the probes attach, which occurs when there is greater distance from the user to the subject. ECDs are less effective against people with thick or baggy clothing. Mount Shasta PD's use of force policy acknowledges that the drive-stun mode should be a "supplement" to probe mode "or as a distraction technique to gain separation between officers and the subject." (Mount Shasta PD Policy Manual, Section 304.5.2.) Mount Shasta PD policy further requires verbal warnings preceding ECD application when safe and practicable. (*Id*., Section 304.4.)

Less than 10 seconds into his interaction with Mr. Detweiler, Officer Capurro used his TASER in drive-stun mode on Mr. Detweiler, who was wearing a baggy sweatshirt, and without a verbal warning. The drive-stun discharged for 0.7 seconds into Mr. Detweiler's gloved hand did not bring about compliance. Then Officer Capurro discharged both TASER probe sets and one probe set ended in the ceiling of the train coach. It is unclear if Officer Capurro intended to deploy the probes at that time, but if so, the effectiveness would have been lessened by the close proximity of Mr. Detweiler coupled with his baggy sweatshirt.

The Police Practices Section recommends that Mount Shasta PD provide additional training regarding the use of ECDs, including when appropriate and effective. These trainings should emphasize when probe mode may be ineffective and also why drive-stun mode may be ineffective as a pain compliance technique.

RECOMMENDATION THREE: AMEND DE-ESCALATION POLICY AND TRAINING TO COMPLY WITH STATE LAW

Mount Shasta PD should amend its de-escalation policy to require de-escalation techniques when feasible, to comply with state law.

California Government Code section 7286, subdivision (b)(1) requires every law enforcement agency to use de-escalation techniques when feasible and to include these techniques in use of force policies. Mount Shasta PD's policy manual explains that "[o]fficers are expected to use de-escalation techniques … unless force is immediately necessary to protect an individual, stop dangerous behavior, protect or prevent damage to property, or stop a crime in progress, in an effort to reduce or eliminate the need for varying levels of force." (Mount Shasta PD Policy Manual, Section 300.2.2.) Mount Shasta PD's policy does not clearly require the use of de-escalation tactics when feasible.

The Police Practices Section recommends that Mount Shasta PD amend its current use of force policy to clearly require the use of de-escalation tactics when feasible. Additionally, the Police Practices Section recommends that Mount Shasta PD further review its other processes, procedures, and training related to de-escalation and crisis intervention to ensure that each is consistent with existing law.

RECOMMENDATION FOUR: PROVIDE ADDITIONAL TRAINING ON COMMUNICATION AS A DE-ESCALATION STRATEGY

The Police Practices Section recommends that Mount Shasta PD provide additional training on communication as an effective de-escalation strategy.

A core principle of de-escalation is creating more time and opportunities to ensure safety for individuals, especially those with cognitive impairment and behavioral health conditions. Another de-escalation tactic is providing clear and effective communication. De-escalation is especially important when police officers interact with individuals who may be in crisis due to mental illness, developmental disabilities, or substance abuse.[8]

Using effective communication strategies while maintaining a safe distance can help resolve a situation rather than escalate it. Officers should be trained to make critical decisions by integrating communications, assessment, and tactics.[9] Repeatedly shouting commands, sometimes called a "command loop," may increase a person's stress and agitation, impede a person's ability to process information, and undermine efforts to de-escalate. De-escalation communication training may emphasize that officers should abandon rigid command-style communication if it initially fails and consider shifting to a calmer, negotiation-based approach.[10]

Although the Police Practices Section recognizes that Officer Capurro was faced with a subject reportedly armed with metal knuckles who would not comply with commands, the officer did not adjust his communication tactics after repeated commands did not work. Officer Capurro immediately attempted to wake up Mr. Detweiler. Soon thereafter, Mr. Detweiler asked Officer Capurro: "Do you want me to get off the train?" Officer Capurro responded: "Yeah. Don't touch anything." Officer Capurro then repeatedly commanded him "don't touch anything" because Mr. Detweiler would not let go of his green-colored shopping bag.

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8 International Association of Chiefs of Police, National Consensus Policy and Discussion Paper on Use of Force (July 2020) p. 6; PERF, Integrating Communications, Assessment, and Tactics—A Training Guide for Defusing Critical Incidents (Oct. 2016), pp. 33-38.

9 PERF, Integrating Communications, Assessment, and Tactics—A Training Guide for Defusing Critical Incidents (Oct. 2016) pp. 11, 31; PERF, Guiding Principles on Use of Force (March 2016), pp. 54-55.

10 PERF, Guiding Principles on Use of Force (March 2026), p. 55 ("In difficult situations, communications often are more effective when they begin at a "low level," e.g., officers speaking calmly and in a normal tone of voice, and asking questions rather than issuing orders."); PERF, ICAT: Integrating Communications, Assessment, and Tactics—A Training Guide for Defusing Critical Incidents (Oct. 2016), pp. 41 ("Don't talk yourself into a corner or give ultimatums, such as 'Drop the knife or I will shoot you.' The person may not understand or be able to comprehend what you are saying, so ultimatums are counterproductive. Offer reassurance … Give the subject options [such as] 'If you sit down on that bench, we can talk about what's bothering you.'"); PERF, ICAT Module #4: Tactical Communications, Five Steps Toward Voluntary Compliance: Introduction, Empathy, Rapport, Influence, Behavioral Change (June 2018), p. 1 (describing that a training objective is to "[d]evelop and use a variety of alternatives to shouting 'drop the knife' if that command does not generate compliance after repeated uses"); International Association of Chiefs of Police, National Consensus Policy and Discussion Paper on Use of Force (July 2020), p. 6 (explaining that part of de-escalation is speaking in a calm manner); National Policing Institute, Slowing It Down: How De-Escalation Is Changing Policing (Nov. 2025) (explaining de-escalation can include maintaining a calm tone, active listening, and issuing clear warning or advisements while allowing time to comply).

As the interaction moved from the seats to the train corridor, Officer Capurro switched from TASER to baton. Then Officer Capurro shouted "get on the fucking ground" three times while striking Mr. Detweiler with his baton without pausing and giving Mr. Detweiler an opportunity to comply. Mr. Detweiler asked to get his things so he could get off the train. In response, Officer Capurro shouted "get on the fucking ground" four more times while holding Mr. Detweiler at gunpoint. Aside from shouting "now" twice, Officer Capurro did not use any other communication with Mr. Detweiler to generate compliance.

The Police Practices Section recommends additional training on using communication as an effective de-escalation strategy. The training should provide opportunities for scenario-based learning and should focus on active listening skills, using proper tone and pace when asking questions or issuing commands, using calm and clear language, using communication skills to defuse tense situations, and developing alternatives to repeating seriatim commands if a command does not generate compliance.

RECOMMENDATION FIVE: ADDITIONAL TRAINING FOR DISPATCH COMMUNICATION

The Police Practices Section recommends that Mount Shasta PD provide its dispatchers additional training on communication with officers responding to armed subjects, especially during shifts with low staffing.

Dispatchers play a critical role in public safety and law enforcement operations. The role of public safety dispatchers is to appropriately process, prioritize, and collect the necessary information from calls for service to effectively assist responding officers.[11] Dispatchers help identify important information, including mental state of subjects and possible weapons, to ensure proper and prompt identification of a crime in progress.

At the time of this incident, Mount Shasta PD employed its own dispatchers. As Mount Shasta PD's policy manual acknowledges, "[t]he communications function is vital and central to all emergency service operations." (Mount Shasta PD Policy Manual, Section 800.3.)

Mount Shasta PD is a small law enforcement agency responsible for a large rural area of northern California. It is expected that there will be shifts with only one on-duty officer, especially during the night on holidays.

Officer Capurro was on duty alone in the middle of the night on December 25, 2023, when he responded to a subject reportedly threatening train passengers with metal knuckles. When Mount Shasta PD dispatch called the Siskiyou County SO for backup, the two agencies agreed to follow up by phone. Siskiyou County SO called Mount Shasta PD dispatch back about twelve minutes later informing the Mount Shasta PD dispatch that deputies were en route. However, there is no indication that Mount Shasta PD's dispatch ever relayed this information to Officer Capurro. Siskiyou County SO deputies arrived on scene approximately five minutes after Officer Capurro.

11 POST, Training Specifications for the Public Safety Dispatcher's Basic Course (Aug. 1, 2025), p. 104-1.

The Police Practices Section recommends that Mount Shasta PD provide its dispatchers additional training regarding the importance of providing officers timely, pertinent information especially related to subjects who may be armed.

RECOMMENDATION SIX: AMEND POLICY AND EVALUATE TRAINING ON BACKDROP AWARENESS

The Police Practices Section recommends that Mount Shasta PD amend its policy to require officers to be aware of their backdrop before discharging a firearm and evaluate its training curriculum to determine whether modifications are needed to ensure officers are adequately trained on how to minimize potential risks to bystanders in the surrounding area.

Firearms safety, including awareness of backdrop, is an essential aspect of policing. The California Commission on Peace Officer Standards and Training (POST) explains: "All firearms are deadly weapons. Lack of awareness or attention to safety for even a moment can cause deadly consequences. There are four fundamental rules of firearms safety that must be respected and obeyed at all times with no exceptions."[12] One of these fundamental rules is that officers should be aware of the target and that the projectiles could strike unintended persons or objects.[13] California law requires that each law enforcement agency shall maintain a use of force policy that includes "[a] requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm." (Gov. Code, § 7286, subd. (b)(5).) Mount Shasta PD's policy manual also provides that officers "*should* consider their surroundings and potential risks to bystanders prior to discharging a firearm." (Mount Shasta PD Policy Manual, Section 300.4.) (Emphasis added.)

When Officer Capurro drew and discharged his firearm, the Conductor was directly in his line of fire behind Mr. Detweiler. Of the six rounds that Officer Capurro fired, one struck the Conductor, resulting in a collapsed lung, which required surgery.

This incident should serve as a reminder of the importance of backdrop awareness and risk of harm to bystanders when drawing and discharging firearms. The Police Practices Section recommends that Mount Shasta PD amend its Policy Manual Section number 300.4 to *require* officers to consider their surroundings and potential risks to bystanders prior to discharging a firearm, when reasonable under the circumstances. Mount Shasta PD should evaluate its training to determine whether modifications to its curriculum are needed to ensure officers are adequately trained on how to minimize potential risks to bystanders in the surrounding area.

12 POST Basic Course Workbook Series: Learning Domain 35 Firearms / Chemical Agents (July 2025) p. 1-4.

13 *Id.*, p. 1-5.