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District Attorney's Office Releases Review of Fatal Santa Fe Depot Officer-Involved Shooting

The San Diego County District Attorney has completed the review of a fatal officer-involved shooting incident at the Santa Fe Depot train station from January 2025 involving San Diego Police Officer Daniel Gold and a juvenile male, whose initials are K.W.

Officer-involved shootings are reviewed by the District Attorney's Office's Special Operations Division for violations of state law, including murder and manslaughter. The loss of life, no matter the circumstances, is always serious and somber. The Special Operations Division consists of prosecutors and investigators experienced in evaluating these complex cases. The results of the review are documented in a detailed public letter that is provided to the law enforcement agencies and transparently posted on the DA's website. Substantial efforts are made to share the results of the review with families of the deceased and to answer their questions.

The letters generally include a summary of the incident, names of persons involved, civilian witness and law enforcement statements, an overview of the investigation, the Medical Examiner's findings (including toxicology reports), a discussion of the legal standard used when evaluating these incidents for potential criminal liability, and the DA's conclusion.

In analyzing whether Gold bears criminal liability and whether any potential case could be shown beyond a reasonable doubt, this office expended a significant degree of time and resources. Beyond conducting a thorough review of all case materials, our team consulted with respected experts whose knowledge and opinions would have significant weight for any finder of fact. This office referred the case for review to the California Attorney General's Office for consideration, pursuant to Assembly Bill 1506, however, the referral for review was declined. The Attorney General's office has discretion to rely on the expertise of the DA's Office to conduct the review.

After more than a year of analysis of the facts, law, and expert opinions, the District Attorney's Office has completed its review and concludes that in this matter there is not a criminal charge provable beyond a reasonable doubt.

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The ultimate question in this inquiry is whether Gold violated the law and whether he bears criminal liability for his actions. This review does not evaluate or pose any opinion on potential civil or administrative action. The duty and responsibility of this office is to objectively evaluate the totality of the circumstances and apply the relevant law to reach a conclusion. The filing of criminal charges requires evidence that supports the ability to prove charges beyond a reasonable doubt. In cases where this office does not believe that the available admissible evidence would support a unanimous finding of guilt by a jury, it would be unethical to proceed with a criminal case.

The incident

On January 28, 2025, the San Diego Police Department received a call from a man claiming he had been assaulted by Allied Universal Security officers while on board an Amtrak train. Officer Daniel Gold and another San Diego Police officer, referred to herein as LE1, individually responded to the One America Plaza trolley station at 600 W. Broadway. LE1 arrived first but when he was unable to locate the caller, he walked across Kettner Boulevard to the Santa Fe Depot train station to continue to search for the caller. LE1 walked through the train depot and onto the train platform where he met LE2, an Amtrak police officer. At the same time, Gold arrived at the Santa Fe Depot train station and parked his car adjacent to the train depot on Kettner Boulevard behind LE1's patrol vehicle.

As LE1 and LE2 discussed the call and the identity of the caller, they heard gunshots. LE1 and LE2 turned and saw a male in a hoodie, later identified as K.W., running from the train platform toward a corridor leading to Kettner Boulevard. As this was happening, Gold was on the sidewalk outside the train depot and heard the same gunshots coming from the platform. LE1 broadcast on his radio, "I've got shots fired. Again, shots fired," which alerted Gold and other officers in the area that a shooting had occurred. Hearing both the gunshots and LE1's broadcast, Gold believed LE1 was involved, and possibly injured, in the shooting. Gold ran toward the corridor through which K.W. was running.

When K.W. emerged from the corridor, he nearly collided with Gold. Gold fired two shots from his pistol, striking K.W. Gold identified himself as a San Diego Police Officer as K.W. ran a short distance and then collapsed on the sidewalk. LE1 ran onto Kettner, and found Gold positioned with his firearm pointed at K.W., who was lying on the sidewalk. LE1 requested cover and LE1 and Gold waited for additional officers to arrive. Once additional officers arrived to provide cover, medical aid was provided to K.W. While providing medical aid, officers cut away K.W.'s clothing and located a loaded pistol. It was concealed inside a pair of shorts under his pants. Paramedics transported K.W. to the hospital but he did not survive his injuries.

Analysis

Gold's split-second decision to use deadly force was influenced by multiple unexpected and rapidly developing factors. When Gold arrived at the train station, he was unable to locate LE1. Unbeknownst to Gold, at the same time, a male standing on the train platform on the other side of the train station pulled out a handgun and fired four shots at K.W. after K.W. approached

that male. The sound of the gunshots reverberated through the building and were heard by LE1 and LE2 who were near the tracks, and Gold, who was still outside of the station. Gold correctly perceived that the shots came from nearby. K.W. fled his assailant and sprinted through the breezeway toward Kettner Boulevard. LE1 broadcast over his police radio, "I've got shots fired. Again, shots fired."

San Diego Police officers are trained to use the phrase "shots fired" when they, or other law enforcement officers, are involved in a shooting. Alternatively, they are instructed to use the police code "11-6" when they hear suspected gunfire but are not in imminent danger. The District Attorney's Office conferred with a highly experienced police academy instructor who is well versed in the significance of the distinction between these two terms. He explained that officers hearing a call of "shots fired" would likely respond urgently because they would believe the officer making the broadcast is either shooting at someone or being fired upon. LE1 was asked during an interview after the shooting about his use of the words "shots fired" and he acknowledged that officers hearing the words might believe he was involved in a shooting. LE1's broadcast of "shots fired" alarmed Gold and influenced his belief that LE1 was involved in a violent confrontation, in imminent danger, and possibly injured. The reasonableness of Gold's belief is critical to the analysis of whether he bears criminal liability in this matter.

In his statement to investigators, Gold stated he believed LE1 had been involved in a deadly force confrontation because Gold had heard gunshots, and then almost immediately after the gunshots, LE1 broadcast "shots fired." Gold noted the emotion in LE1's voice was unusual. Expounding upon this point in his interview with investigators, Gold described LE1 as ordinarily very "even keeled." The recording of LE1's voice was preserved. Objectively, a reasonable person who does not know LE1 could agree that LE1's voice in that radio broadcast expresses stress and urgency.

Upon hearing LE1's brief emotional broadcast, Gold ran toward the corridor where he believed the gunfire had originated and where he believed he heard LE1's voice independent of the radio transmission. K.W. was unknowingly and simultaneously running through the same corridor toward Gold. Gold and K.W. were running toward one another, but each was blind to the other by the corner of the corridor through which K.W. was running. When K.W. exited the corridor and suddenly came into Gold's view, K.W. was in close proximity to Gold. K.W. was running with his right hand at his waistband. Gold's training and his experience led him to believe K.W. was reaching for a firearm. Gold did not perceive K.W. to be a victim. Instead, Gold believed he was being confronted by the person who had been involved in the shooting with LE1 and who was now trying to escape. Gold quickly observed that K.W. did not have his hands raised as one might expect of a victim. In Gold's experience, people who are victims or witnesses to gunfire often put their hands up and signal to officers where the shooting or the threat is. K.W. did not do this but instead appeared to Gold to be reaching for a handgun. Given the limited information available at that moment, Gold believed he was in imminent danger of being shot. Gold made the nearly instantaneous decision to discharge his weapon at K.W.

In analyzing this incident, the District Attorney's Office took the additional step to consult with a use of force expert who is court qualified and did not have knowledge of or a relationship with the parties. The expert considered the totality of the circumstances in evaluating Gold's actions.

The expert pointed out several particular facts and circumstances that should be afforded attention. Among those, the expert highlighted that Gold's mindset that his partner, LE1, had been involved in an officer-involved shooting would be reasonable. Further, it would be reasonable and expected that an officer in this mindset who runs toward the sound of gunfire would draw their handgun. Gold's BWC shows K.W.'s hand near K.W.'s waistband and Gold stated K.W.'s hand was reaching toward the waistband. The expert identified that it did not appear feasible for Gold to give commands or a warning before encountering the person Gold believed had been involved in an officer-involved shooting with LE1. The expert strongly believed that unanimity on the question of objective reasonableness could not be reached, noting that under California law, "Gold did not need to choose the best option... what matters is whether the chosen one fell within the range of reasonableness." The expert further pointed out that case law on the subject recognizes that allowances must be made for the fact that officers are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. The expert concluded that although Gold's response and use of force did not follow the traditional training protocol or have the desired outcome, his actions may not be viewed as unreasonable by peers faced with the same set of circumstances. Here, Gold inaccurately, but not unreasonably, believed his partner was involved in a shooting and that K.W. was the suspect. When Gold encountered K.W. with his hand at his waist, Gold believed he was facing a life-threatening situation.

The law requires that when law enforcement officers apply deadly force, the analysis of whether they bear criminal liability must take into account what the officer knew and reasonably believed to be true at the time and without the benefit of hindsight. Moreover, "the decision... to use deadly force *shall* be evaluated 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..." PC835(a)(4) (emphasis added).

Criminal charges must be proven by the constitutionally mandated beyond a reasonable doubt standard. A finding in a civil lawsuit, on the other hand, "simply requires the trier of fact 'to believe that the existence of a fact is more probable than its nonexistence'" in order to satisfy the preponderance standard. *In re Winship*, 397 US 358 (1970). The Judicial Council of California's Criminal Jury Instructions state, "Proof 'beyond a reasonable doubt' is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt." (CALCRIM No. 220.) Further, a criminal jury must unanimously vote to convict in order for them to render a guilty verdict. The duty of the prosecutor is to only file those charges we believe can be proven beyond a reasonable doubt.

The loss of this young person's life is devastating. Our extensive review of the totality of the facts and circumstances surrounding this incident lead us to the conclusion that criminal charges against Gold could not be proven beyond a reasonable doubt. We are not able to make a determination that Gold's actions were justified, rather we have determined the evidence does not demonstrate beyond a reasonable doubt that Gold's belief was unreasonable. As a result, Gold bears no state criminal liability for his actions. A copy of this letter, along with materials submitted for our review will be retained in our files.

The DA's detailed review letter can be found on the District Attorney's website, [here](#).

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About the San Diego County District Attorney's Office

The San Diego County DA's Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.