



Office of the New York State Attorney General Letitia James

Office of Special Investigation

August 21, 2026

Report on the Investigation of the Death of Nancy Loftus

OVERVIEW

New York Executive Law Section 70-b (Section 70-b) directs the Attorney General's Office of Special Investigation (OSI) to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer. When OSI, as in this case, does not seek charges against the officer, Section 70-b requires OSI to issue a public report describing its investigation. This is the public report of OSI's investigation of the death of Nancy Loftus, who was shot and killed on April 12, 2025, by Trooper James Curtin and Trooper Kevin Jacks of the New York State Police (NYSP).

On April 12, 2025, Troopers Curtin and Jacks responded to a mobile home in the Town of Deerpark, Orange County, after a 911 caller said Ms. Loftus had stabbed him with a knife and had thrown objects at him. When the troopers arrived, the 911 caller met them in the driveway and said Ms. Loftus had a gun and was waving it around. The troopers told the 911 caller to get behind a car and took cover behind their NYSP car and drew their service weapons. The troopers told OSI that Ms. Loftus came out of the front door of the home onto its porch with what appeared to be a gun in her hand. The troopers yelled multiple times, "Drop the gun!" and "Put your hands in the air!" The troopers fired multiple shots. After the initial shots, Trooper Jacks rose from behind the hood of the car and said, "Hands are up, hands are up. Get down!" Trooper Jacks crouched behind the car and screamed, "Don't!" The troopers fired additional shots and struck Ms. Loftus, who died of her wounds. A pellet gun was recovered from the porch of the home near Ms. Loftus.

Ms. Loftus was 69 years old when she died.

Having thoroughly investigated the facts and analyzed the law, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Trooper Curtin and Trooper Jacks were justified when they shot Ms. Loftus. OSI therefore will not seek charges against them and closes this matter with this report.

FACTS

Background Information

Trooper Curtin and Trooper Jacks were assigned to NYSP Greenville (Orange County). Trooper Curtin became a member of NYSP in 2024. Trooper Jacks became a member of NYSP in 2016.

911 Call

The 911 recording showed that on April 12, 2025, at 2:11 a.m., a 911 caller (OSI does not identify civilian witnesses) told police he was calling from a home in the Town of Deerpark. He

said Ms. Loftus had stabbed him with a knife and had thrown ashtrays and statues at him. The 911 recording captured a woman's voice in the background. The 911 caller said he walked out of the house. (The 911 call, edited in accordance with OAG policy, can be heard [HERE](#).)

Body-Worn Camera (BWC) Videos

The narrative in this section is based on OSI's review of the BWC videos of Troopers Curtin and Jacks (BWC footage: [Trooper Curtin](#) and [Trooper Jacks](#)). The times mentioned in this section are taken from the time stamps in the BWC videos.

Trooper James Curtin's BWC

Trooper Curtin's BWC footage showed he got out of the driver's seat of a marked NYSP car at 2:23 a.m. and walked around the back of the car to the driveway of a mobile home. It was dark and raining, and Trooper Jacks shined a flashlight on the driveway. Trooper Jacks walked up the driveway in front of Trooper Curtin, and the 911 caller approached them carrying a small dog in his left arm and said, "She's got a gun, waving it around." According to the BWC footage, Trooper Jacks said, "She's got a gun, waving it around. She's got a gun." Trooper Curtin turned away from the home, walked down the driveway, and said, "Get behind the car." He drew his service weapon, held it out in front of him, and crouched behind the driver's side of the NYSP car. Trooper Jacks told the 911 caller to get behind a car and Trooper Curtin radioed, "Be advised, she's got a gun." Three seconds later, at 2:24 a.m., Trooper Jacks said, "Ma'am drop the gun!" Trooper Curtin moved toward the front of the car and crouched down behind the front wheel well. The BWC footage captured Trooper Curtin saying, "I don't know where she went. Is she in the house or is she outside?" Trooper Jacks's response was inaudible because of the car engine sound. Trooper Curtin said, "That's a problem 'cause she could shoot through the windows."

Trooper Curtin told Trooper Jacks, "Hey, I might go behind this pickup over here. I'll turn my light off." BWC footage showed he ran toward two cars parked in the driveway next door. He stood between the cars in the driveway and took cover behind a Dodge Ram pickup truck. Trooper Jacks held his gun out in front of him; BWC did not capture a view of the home. Trooper Curtin called out to Trooper Jacks and said he couldn't see Ms. Loftus and asked him to shine the spotlight into the window of the home. Trooper Curtin's BWC footage showed that 18 seconds passed and at 2:26 a.m. he shouted twice, "Put your hands in the air!" Trooper Jacks screamed twice, "Drop the gun!" and Trooper Curtin shouted a third and fourth time, "Put your hands in the air!" The BWC captured the sound of multiple gunshots at 2:26 a.m., 15 seconds after Trooper Curtin first shouted, "Put your hands in the air." After the gunfire, Trooper Jacks yelled, "Hands are up, hands are up," followed by Trooper Curtin yelling, "Drop the gun!" and Trooper Jacks saying, "Get down!" BWC footage captured the sound of more gunshots 11

seconds after the first round of gunshots began, and Trooper Curtin again yelled, "Drop the gun!" Trooper Curtin's BWC footage did not capture the porch or Ms. Loftus, because the Dodge Ram obstructed the view. 17 seconds passed from the sound of the first gunshot to the sound of the last gunshot.

Trooper Curtin's BWC video showed he moved to the parked police car and asked Trooper Jacks if he wanted to move toward the home. Trooper Jacks said, "I think she's down," and then said, "Let's grab heavy vests. Stay covered. Re-load your gun. You stay covered." The BWC footage captured Trooper Curtin's voice radioing, "Shots fired, suspect down," and he said to Trooper Jacks he did not see where she dropped the gun. Trooper Jacks closed the trunk of the police car and asked the 911 caller if he was okay. At 2:28 a.m. the troopers walked down the driveway with their guns raised, moved around the front of the home to the left side, and approached the small porch. Trooper Curtin's BWC footage showed Ms. Loftus on her back on the porch with her shoulders and head leaning against the closed door to the home. Trooper Jacks walked up the five stairs leading to the porch, told Ms. Loftus not to move, and used his foot to move an object between Ms. Loftus's legs to an area on the porch below her feet.

Based on the BWC footage, Trooper Curtin walked back to the police car and retrieved a medical bag from the trunk as Troopers John Caputo and Douglas Farrell arrived and walked toward the porch. At 2:29 a.m. he returned to the porch with the bag, and Troopers Caputo and Farrell took over medical aid.

Trooper Kevin Jacks's BWC

Trooper Jacks's BWC footage showed he got out of the passenger seat of a marked NYSP car at 2:23 a.m. and walked toward the driveway of a mobile home. It was dark and raining, and Trooper Jacks shined his flashlight on the driveway. The BWC footage showed the 911 caller walked down the driveway carrying a small dog in his left arm and said, "She's got a gun, waving it around." The BWC footage captured Trooper Jacks saying, "She's got a gun, waving it around," followed by a beep of his radio and Trooper Jacks saying, "There's a gun possibly involved." Trooper Jacks directed the 911 caller to move to the right, away from the home, and repeated, "She's got a gun," as he returned to the police car. Trooper Jacks crouched behind the driver's side rear wheel well and dispatched over the radio, "Be advised, she has a gun."

The BWC footage showed at 2:24 a.m. Trooper Jacks said, "Ma'am, drop the gun!" Trooper Jacks said to Trooper Curtin, "If she's pointing it at us, shoot. If you know for a fact it's a gun." A second passed and Trooper Jacks said, "I think she's in the house now." At 2:25 a.m. Trooper Jacks yelled out, "Cover me," and opened the driver's side door of the police car.

Trooper Jacks then directed the illuminated spotlight mounted in front of the driver's side windshield toward the home.

At 2:26 a.m. Trooper Jacks said, "Ma'am drop the gun!" Trooper Curtin yelled three times, "Put your hands in the air!" and Trooper Jacks yelled twice, "Drop the gun!" The BWC footage captured the sound of Trooper Jacks firing multiple gunshots and screaming, "Drop the gun!" followed by, "Hands are up, hands are up! Get down!" Trooper Jacks briefly rose from behind the hood of the police car and the BWC captured a fuzzy image of Ms. Loftus's silhouette on the porch of the home. The BWC captured Trooper Jacks screaming, "Don't!" followed by additional gunshots. Trooper Curtin shouted, "Drop the gun!" and Trooper Jacks said, "I think she's down."



Still from Trooper Jacks's BWC video when he briefly rose from behind the police car; Ms. Loftus's silhouette is circled in red.

The BWC footage showed Trooper Jacks told Trooper Curtin to stay covered and reload his gun; at 2:27 a.m. he walked to the trunk of the police car and removed a vest labeled "State Police" and put it on. According to the BWC footage, Trooper Curtin and Trooper Jacks walked toward the home with their guns raised. The BWC showed Ms. Loftus lying on her back on the porch floor.

Medical Intervention

OSI reviewed the BWC videos of Troopers Caputo and Farrell, who arrived at the home after the shooting and assisted in providing emergency medical care to Ms. Loftus. Based on their BWC footage, they applied chest seals to the entry and exit wounds and applied a bag valve mask. Troopers Caputo and Farrell called for EMS at 2:30 a.m. Officers from the City of Port Jervis Police Department arrived and assisted in aiding Ms. Loftus. The BWC footage showed the officers applied an automated external defibrillator with no shock advised, and an officer performed cardiopulmonary resuscitation until EMS arrived and took over life-saving measures.

According to the medical records, Ms. Loftus was pulseless and not breathing upon the arrival of EMS. The medical records showed EMS took Ms. Loftus to Bon Secours Community Hospital where she was pronounced dead at 3:18 a.m.

Interview with the 911 caller

OSI interviewed the 911 caller, who said Ms. Loftus was his girlfriend, and that they lived together at the home where the shooting took place. He said a few hours before the troopers arrived, around 11:00 p.m., Ms. Loftus began fighting and arguing with him and accused him of sleeping with another woman. The 911 caller said Ms. Loftus stabbed him in the stomach with a kitchen knife during the argument, and he called 911. He told OSI that while he waited outside Ms. Loftus hit the door with a gun and said she was going to kill him. He said when the troopers arrived, he told them Ms. Loftus had a gun. The 911 caller had sustained a laceration to his abdomen.

Officer Interviews

Trooper James Curtin

Trooper Curtin told OSI that on April 12, 2025, he was partnered with Trooper Jacks, who was his field training officer. He said he was driving a marked NYSP car and Trooper Jacks was his front seat passenger. Trooper Curtin said they received a dispatch directing them to respond to an address in the Town of Deerpark for a domestic incident; the transmission stated that a woman had stabbed the 911 caller with a knife. He said he had never been to the address and had never met the 911 caller or Ms. Loftus before that night. He said he drove to the address, parked the car on the street in front of the mobile home, and he and Trooper Jacks got out of the car. He said they began walking up the driveway with Trooper Jacks in front of him. Trooper Curtin said that as soon as the 911 caller came into sight, the 911 caller said the woman had a gun. Trooper Curtin said his immediate reaction was to get behind the police car. He said they told the 911 caller to get out of the way, and Trooper Jacks got behind the

police car. Trooper Curtin told OSI he drew his service weapon and turned on the weapon's flashlight.

Trooper Curtin told OSI he saw a person, later identified as Ms. Loftus, on the left side of the home where the porch is. He said he could not see if she went into the home or behind the porch because it was dark; his concern was keeping cover behind the car because the 911 caller told the troopers she had a firearm. Trooper Curtin said he tried to point the police car's spotlight toward the home because it was dark and raining. Trooper Curtin said he believed Ms. Loftus went into the house, and he was worried she could shoot at the troopers through the windows, so he moved away from the police car and took cover behind a pickup truck in the neighbor's driveway.

Trooper Curtin said Ms. Loftus came out of the home holding an object that looked like a black handgun. He gave her multiple commands to drop it and show her hands, but Ms. Loftus did not react or drop the weapon. He said Ms. Loftus waved the gun around and pointed the gun in his direction and toward Trooper Jacks. He said Trooper Jacks ordered her to show her hands and drop the gun. Trooper Curtin said he saw Ms. Loftus point the gun toward Trooper Jacks. He said he believed Ms. Loftus intended to kill him and Trooper Jacks, and that shooting her was the only option to get through the situation alive. He said he and Trooper Jacks fired their service weapons multiple times. He saw Ms. Loftus's hands go up, at which point he stopped firing, and he heard Trooper Jacks say that her hands were up. Trooper Curtin said they continued yelling commands to drop the gun, but he saw Ms. Loftus point the gun at Trooper Jacks again, and Trooper Curtin fired his weapon. He said Ms. Loftus fell.

Trooper Curtin said Trooper Jacks put on a protective vest and they walked together toward the porch with their weapons raised. He said Ms. Loftus was on her back on the porch between the steps and the door. He went to the police car to get a medical kit, and when he returned Troopers Caputo and Farrell were at the porch, and they provided medical aid to Ms. Loftus.

Trooper Kevin Jacks

Trooper Jacks told OSI that on April 12, 2025, he was working with Trooper Curtin as his field training officer, and they were directed to a home in the Town of Deerpark for a domestic incident involving a knife. He said he didn't remember previously being in the home's neighborhood or meeting either the 911 caller or Ms. Loftus. Trooper Jacks said when they arrived the 911 caller walked down the driveway toward them and the woman was waving a gun around. Trooper Jacks said he told the 911 caller to walk down the street and get down to find cover. Trooper Jacks and Trooper Curtin took cover behind their car and radioed to communications that there was a gun involved. He said that at some point Trooper Curtin moved to the neighbor's driveway and found cover behind a vehicle.

Trooper Jacks said a woman, later identified as Ms. Loftus, came out of the house with an object in her hand that looked like a gun, and he and Trooper Curtin told her to drop the gun. Trooper Jacks said he thought she went into the home and came back out onto the porch, and he and Trooper Curtin told her to drop the gun multiple times. He said he heard Trooper Curtin screaming at her to raise her hands. Trooper Jacks said she pointed the gun directly at him, and he shot his weapon because he was scared for his life and the lives of Trooper Curtin and the 911 caller. He told OSI that at some point Ms. Loftus lowered the gun, and he rose from behind the car to get a better view of her; when he did this, Ms. Loftus raised the gun and pointed it at him. He said he and Trooper Curtin fired their weapons again.

Trooper Jacks said Ms. Loftus fell. He said Trooper Curtin came back toward the police car, they reloaded their guns, and Trooper Jacks put on a heavy vest from the trunk of the car. He said they approached Ms. Loftus on the porch together; he saw Ms. Loftus had a gunshot wound to her chest and her gun was on the floor of the porch close to her body. Trooper Jacks said he kicked the gun out of the way and directed Trooper Curtin to get the medical bag from the car. He said Troopers Caputo and Farrell arrived at the porch and took over life-saving measures.

Evidence Collection and Analysis

The NYSP Forensic Identification Unit (FIU) photographed the Crossman Repeater pellet gun pistol where it was on the porch and collected it as evidence.



FIU photograph of the recovered pellet gun.

Officer Firearms

FIU took possession of Trooper Curtin's firearm, a NYSP-issued .45 caliber Glock 21 pistol with a 13-round magazine. Upon examination, the gun had one round in the firing chamber and seven rounds in the magazine, which is consistent with Trooper Curtin having fired six shots.

FIU took possession of Trooper Jacks's firearm, a NYSP-issued .45 caliber Glock 21 pistol with a 13-round magazine. Upon examination, the gun had one round in the firing chamber and six rounds in the magazine, which is consistent with Trooper Jacks having fired seven shots.

FIU recovered thirteen .45 caliber spent casings, which were consistent with NYSP-issued ammunition.

Autopsy

The autopsy of Ms. Loftus was performed by Dr. Jennifer L. Roman of the Orange County Office of the Medical Examiner, who determined that the cause of Ms. Loftus's death was "gunshot wound of torso," and deemed the manner of death to be "homicide (shot by police)." The autopsy found that Ms. Loftus was struck by gunfire once.

LEGAL ANALYSIS

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly force against another. Justification is a defense, not an affirmative defense, Penal Law Section (PL) 35.00. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1). As detailed below, based on the evidence in this investigation, OSI concludes that a prosecutor would be unable to disprove beyond a reasonable doubt that the use of deadly physical force by the troopers was justified.

In this case, Troopers Curtin and Jacks used deadly physical force. Under PL 10.00(1) deadly physical force is "physical force which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury." Under PL 10.00(10) serious physical injury is "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

PL 35.30 is the provision defining justification when a police officer or peace officer uses force to effect or attempt to effect an arrest.

PL 35.30(1) provides:

A police officer or a peace officer, in the course of effecting or attempting to effect an arrest ... of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest ... or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that ... (c) regardless of the particular offense which is the subject of the arrest ... the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.

Under the law, therefore, deadly physical force by a police officer is justified when the officer reasonably believes deadly force is necessary to defend the officer or another against the imminent use of deadly physical force. Police officers using deadly force pursuant to PL 35.30(1) are under no duty to retreat when threatened with deadly physical force, according to PL 35.15(2)(a)(ii).

In *People v Jairo Castillo*, 42 NY3d 628, 631 (2024), the New York Court of Appeals stated:

“The defense of justification provides that a person may use physical force to defend himself against an assailant’s ‘imminent use of unlawful physical force,’ but does not authorize the use of ‘deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . . . is using or about to use deadly physical force’ (Penal Law § 35.15). When considering a request for a justification charge, courts examine the evidence in the light most favorable to the defendant, and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that ‘defendant . . . actually believed . . . he [was] . . . threatened with the imminent use of deadly physical force,’ and an objective requirement, that defendant’s ‘reactions were . . . those of a reasonable man acting in self-defense’ (*People v Collice*, 41 NY2d 906, 907 [1977]).” (Ellipses and square brackets in original.)

Here, the troopers were responding to a 911 call for a domestic incident where the caller said Ms. Loftus had stabbed him with a knife. When the troopers encountered the 911 caller, he told them that Ms. Loftus had a gun and was waving it around. When the troopers saw Ms. Loftus, she was waving and pointing an object that looked like a gun. Ms. Loftus refused to drop the gun after multiple commands from the troopers. After refusing to drop the gun, Ms. Loftus pointed the gun directly at Trooper Jacks, which is when both troopers fired their

weapons. The troopers stopped firing when it seemed like Ms. Loftus lowered her gun. However, Ms. Loftus pointed the gun at the troopers again, and the troopers fired at Ms. Loftus until she fell. Although the gun recovered from Ms. Loftus's side was a pellet gun, it appeared to be a real firearm, as shown in the photo above, and, in their interviews with OSI, Troopers Curtin and Jacks said Ms. Loftus pointed what appeared to be a gun at them.

Based on the law and the evidence, OSI concludes a prosecutor would not be able to disprove beyond a reasonable doubt that the troopers' use of deadly force against Ms. Loftus was justified under New York law. As a result, OSI will not seek charges and closes the matter with this report.

Dated: August 21, 2026