

**Officer Involved Shooting of David Stroughter**

**El Segundo Police Department**

**Sergeant Glenn Delmendo, #450**

**Officer Steve Paulsen, #467**

**Officer Christopher Jenkins, #492**

**Officer Jeffery Darringer, #495**

**J.S.I.D. File #17-0032**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**July 17, 2017**

**MEMORANDUM**

TO: CHIEF MITCH TAVERA  
El Segundo Police Department  
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El Segundo, California 90245

TO: CAPTAIN CHRISTOPHER BERGNER  
Los Angeles County Sheriff's Department  
Homicide Bureau  
1 Cupania Circle  
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of David Stroughter  
J.S.I.D. File #17-0032  
E.S.P.D. File #17-181  
L.A.S.D. File #017-00011-3199-011

DATE: July 17, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 18, 2017, fatal shooting of David Stroughter by El Segundo Police Department (ESPD) Sergeant Glenn Delmendo, and Officers Steve Paulsen, Christopher Jenkins, and Jeffery Darringer. It is our conclusion that the officers used reasonable force in self-defense and in defense of others.

The District Attorney's Command Center was notified of this shooting on January 18, 2017, at approximately 4:00 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene by Los Angeles County Sheriff's Department (LASD) Lieutenant Joe Mendoza.

The following analysis is based on reports, recorded interviews, video, and photographs submitted to this office by the LASD. The departmentally compelled statements of the involved officers were not considered in this analysis.

**FACTUAL ANALYSIS**

On January 18, 2017, at approximately 12:20 p.m., Jesus R [REDACTED] was delivering pizzas in the City of El Segundo. While driving on Mariposa Avenue he noticed a white SUV following him; he saw the SUV swerving and heard its tires screech. He turned onto McCarthy Court and pulled to the curb. The driver of the SUV, later identified as David Stroughter, pulled to the opposite curb, exited his SUV, and walked toward R [REDACTED] with an axe in his hand, while

yelling, “Why are you blinking your lights at me, you stupid nigger?” R ██████ thought Stroughter was going to hurt him, but Stroughter turned around, got back into his white Isuzu Trooper SUV and left.<sup>1</sup>



Figure 1: Stroughter first approached R ██████, who was seated in his Honda Civic, while brandishing an axe.

At approximately 12:24 p.m., Thomas B ██████ stopped by his home on McCarthy Court in the City of El Segundo for lunch. When he pulled his car in front of his home, he saw Stroughter approaching him, yelling angrily, and holding an axe in a menacing manner.<sup>2</sup> B ██████ fled from Stroughter in his car, and Stroughter entered his SUV and followed. B ██████ called 9-1-1 while he was in his car and Stroughter stopped following him, so B ██████ returned to his home to wait for the arrival of officers.

ESPD Officer Jeffery Darringer was dispatched to B ██████’s call for help. He responded to B ██████’s home to get statements and to attempt to identify Stroughter, who was a stranger to B ██████. B ██████ told Darringer when he arrived home Stroughter was parked nearby. Before he got out of his car, Stroughter exited his SUV, approached B ██████ on foot and started yelling at him while brandishing an axe. B ██████ said, “he was coming for me with an axe...he had an axe, he could break the windshield,” so B ██████ fled in his car. B ██████ explained that he had never been so scared in his life.

While Darringer was interviewing B ██████, R ██████ approached and told Darringer what had happened to him. R ██████ was able to provide a description of Stroughter and his SUV, as well as the license plate of the SUV, to Darringer, who broadcast that information to other ESPD officers.

While Darringer was speaking with witnesses, Officer Brian Slover found Stroughter’s SUV parked on Washington Street, approximately one mile from where Stroughter confronted Brozenec. Slover saw Stroughter walking toward his SUV while wearing a backpack, and ordered him to get on the ground. Stroughter replied, “What for? I’m not going to do that” and

<sup>1</sup> A security camera on McCarthy Place captured part of this incident but did not record audio.

<sup>2</sup> Surveillance video depicts B ██████ pull behind Stroughter immediately after Stroughter reentered his SUV after he threatened R ██████ with the axe. Due to a turn in the road and the positioning of the vehicles, B ██████ could not have seen Stroughter’s assault of R ██████ when he inadvertently started following Stroughter.

continued walking to his SUV. When he got to the passenger side of his SUV, he retrieved an axe from his backpack and entered his vehicle. Slover requested emergency backup to assist in detaining Stroughter; and Darringer, Officer Steve Paulsen, and Sergeant Glenn Delmendo raced to his location in response. As the backup officers arrived, Stroughter was able to back his SUV away from the police vehicles and drive away as the officers pursued him.

Stroughter tried to evade officers by running through red lights, driving in circles, and making abrupt turns. ESPD Officers Joseph Cameron, Christopher Jenkins, and William Wise joined the pursuit as it continued. Stroughter drove approximately 3.4 miles with officers in pursuit before Darringer, who was following immediately behind Stroughter, used his police car to spin Stroughter's SUV.<sup>3</sup> Because of the relatively slow speeds of the pursuit at the moment of the spin, Darringer's vehicle became wedged against Stroughter's SUV, with the driver's side windows of the vehicles adjacent to one another. The pursuit ended on Manchester Boulevard just east of Kentwood Avenue in the City of Los Angeles. When Stroughter's SUV was stopped, there were six ESPD vehicles, and seven ESPD officers, on the scene.



*Figure 2: Still from Cameron's vehicle camera: Darringer forced Stroughter to spin out.*



*Figure 3: Still from Delmendo's vehicle camera: Darringer's car was pushed against Stroughter's.*

As soon as Stroughter's vehicle came to rest, Delmendo said over the police radio, "He's got the axe!" three times. Every officer but Darringer exited their vehicle and formed a semi-circle to the front of his SUV. Darringer, who was within inches of Stroughter, stayed in the driver's seat of his car, drew his firearm, and yelled at Stroughter to show his hands. Stroughter sat in his driver's seat for several seconds while multiple officers ordered him to drop the axe and put his hands up. Instead of complying, Stroughter climbed out of his vehicle with the axe in his hand and stood on the hood of Darringer's car, facing Darringer. In response, Paulsen, Jenkins, Darringer and Delmendo discharged their weapons at Stroughter. Stroughter was struck by the gunfire and ultimately succumbed to his injuries at the scene.

After the shooting, the officers' weapons were examined. Darringer fired six times while seated in his patrol vehicle. Delmendo fired five times while standing to the left of his ESPD Ford

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<sup>3</sup> Officers are trained to use their patrol vehicles to push a fleeing vehicle and cause it to spin. This technique, known as the "PIT Maneuver" or "Legal Intervention," is intended to stop a vehicle without causing injury or significant damage.

Explorer, which he stopped behind and to the left of Darringer's vehicle. Jenkins fired four times while standing to the left of Delmendo. Finally, Paulsen fired one round while standing behind Darringer's vehicle.

Stroughter's axe was kicked from his hand after he fell and was recovered at the scene.



Figure 4: Darringer's car was equipped with electronics which partially blocked his egress.



Figure 5: Stroughter's axe was recovered.

Deputy Medical Examiner Dr. Ajay Panchal conducted an autopsy on Stroughter on January 22, 2017. Dr. Panchal determined that Stroughter had suffered nine gunshot wounds, three of which were fatal.<sup>4</sup>

Detectives contacted Stroughter's father who told them that Stroughter, who was fifty years old when he died, had been diagnosed with schizophrenia and bipolar disorder when he was 27 years old, and had been in and out of different psychiatric facilities since then. He had not spoken with Stroughter in over 15 years.

On March 14, 2017, detectives received an anonymous email which read, in part, "going out in a blaze of glory would have been appealing as [Stroughter's] final act of performance art...if this note helps you guys I'm glad, because I disagree with people making you do this to them, its uncivilized and not cool."

### Video

ESPD equips their officers with cameras which are attached to their uniforms, known as "body worn video" (BWV). Six of the seven officers at the scene of the shooting were wearing cameras and had them activated during the pursuit and shooting. In addition, five of the six ESPD vehicles were equipped with cameras mounted on their windshields.<sup>5</sup>

Darringer's cameras captured his interviews with B [REDACTED] and R [REDACTED], his response to assist Slover, the pursuit, the end of the pursuit, and the shooting. Immediately after Darringer caused Stroughter's vehicle to spin, he drew his firearm, put his vehicle into park with his left

<sup>4</sup> Not all of the bullets were recovered. One bullet traveled nearly two blocks and shattered a window at Noodle World Jr. on Sepulveda Boulevard. No one was struck by that bullet.

<sup>5</sup> Wise was riding an ESPD motorcycle during the pursuit. The motorcycle was not equipped with a camera.



hand, and started yelling “Put your hands up!” at Stroughter. The video depicts Stroughter climbing out of his vehicle and onto the police car while Darringer’s commands become increasingly more emphatic and stressed. After approximately 20 seconds of constant commands, and with Stroughter standing over Darringer on the hood of his patrol car, Darringer fired his weapon through the windshield six times in quick succession. After it was clear that Stroughter was no longer a threat, Darringer exited his car and sat on the curb while breathing heavily. When asked if he was okay, he told another officer, “I was fricking trapped in there!”

Slover was equipped with BWV and his vehicle with a dashboard mounted camera. The BWV begins as Slover is confronting Stroughter on Washington Boulevard, and continues through the pursuit. Slover positioned his vehicle such that the dashboard camera did not capture the shooting; however, his BWV did. Slover exited his vehicle and took up a position behind Darringer’s car and next to Paulsen. The BWV did not capture clear audio, but various voices can be heard yelling, “Drop the axe!” and “Don’t move!” Stroughter then climbed onto the hood of Darringer’s car and stood over Darringer, when he was shot. All of the shots were fired in quick succession after Stroughter climbed out of his SUV, and as a result of being shot, he fell to the front of Darringer’s car.



*Figure 6: Still from Slover’s BWV: Stroughter was standing on Darringer’s car while holding the axe when he was shot. Paulsen is depicted in the right side of this photograph.*

The other BWV depict the same sequence of events from slightly different angles, and none are materially different from the video described above. The event was audio recorded by all of the devices, and several officers can be heard ordering Stroughter to stay in the car, drop the axe, and put his hands up. The officers’ voices become increasingly stressed as Stroughter climbs out of his SUV while holding the axe, and all of the shots are fired within a few seconds.

## LEGAL ANALYSIS

California law permits any person to use deadly force in self-defense or in the defense of others, and, if someone dies as a result, this is a “lawful excuse” which precludes a conviction for murder. Penal Code sections 197, 198; CALCRIM No. 505. This defense is available if the killer actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code section 197; CALCRIM No. 505; *See also* People v. Randle (2005) 35 Cal.4th 987, 994 (overruled on another ground in People v. Chun (2009) 45 Cal.4th 1172, 1201); People v. Humphrey (1996) 13 Cal.4th 1073, 1082. In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. A person is not required to retreat; he may stand his ground and defend himself even if safety could have been achieved by retreating. Id.

In this case, Stroughter had threatened two people with an axe, both of whom were in their vehicles when he approached. When officers confronted him, Stroughter led them on a short pursuit which ended only when Darringer used his vehicle to disable Stroughter’s. Once the vehicles came to rest, Stroughter armed himself with an axe and Delmendo alerted all of the officers to this fact. Despite being ordered to stay in his vehicle and show his hands, Stroughter climbed out of his SUV and onto the hood of Darringer’s car while holding the axe.

When Darringer brought the pursuit to an end, his car became wedged against Stroughter’s SUV in such a way that he was facing Stroughter. He immediately drew his weapon and gave several orders to Stroughter, who ignored them and climbed onto his car with the axe. Presented with a man whom he knew had already threatened two others with the axe, one of whom had told him he was scared that the axe would penetrate his windshield, led officers on a pursuit when he was identified, armed himself with an axe, and climbed onto his car, Darringer reasonably believed in the need to protect himself from imminent harm. Darringer did not need to retreat from Stroughter, and in any event, the physical layout of his patrol vehicle made exit difficult under the circumstances.

The other ESPD officers who surrounded Stroughter confronted the same circumstances as Darringer. They were presented with a man holding an axe, ignoring their commands, who was literally standing over another officer when they opened fire. The fact that Darringer was protected by his vehicle’s windshield at the time Stroughter stood over him does not effect this analysis; it is reasonable to believe Stroughter was armed with a weapon which could penetrate the windshield and harm Darringer. Therefore, when the officers discharged their weapons at Stroughter, they acted in the reasonable belief that Darringer was in imminent danger.

## CONCLUSION

We conclude that all the involved officers who discharged their weapons used lawful force in self-defense and in the defense of others. We are closing our file and will take no further action in this matter.