

Non-Fatal Officer Involved Shooting of Grisha Alaverdyan
Los Angeles Police Department

Officer Thor Abiva, #44313

J.S.I.D. File #21-0419



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

June 26, 2023

MEMORANDUM

TO: CAPTAIN RICH GABALDON
Los Angeles Police Department
Force Investigation Division
100 West First Street, Suite 431
Los Angeles, California 90012

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

SUBJECT: Non-fatal Officer Involved Shooting of Grisha Alaverdyan
J.S.I.D. File #21-0419
F.I.D. File #F053-21

DATE: June 26, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 2, 2021, non-fatal shooting of Grisha Alaverdyan by Los Angeles Police Department (LAPD) Officer Thor Abiva. We conclude that the officer acted lawfully in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 12:00 p.m., on October 2, 2021. The District Attorney Response Team (DART) responded to the location and was given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, audio recordings, crime scene diagrams and sketches, photographic and video evidence, including body worn camera video, and witness statements submitted by LAPD Lieutenant David Smith. Compelled statements of Officer Abiva were not considered as part of this investigation.

FACTUAL ANALYSIS

Assault of [REDACTED]

On October 2, 2021, at approximately 11:01 a.m., tourists and friends [REDACTED] ([REDACTED]), [REDACTED] ([REDACTED]) and [REDACTED] ([REDACTED]) were visiting the area of the intersection of Hollywood Boulevard and Highland Avenue. After crossing from the northwest corner to the northeast corner of the intersection across Highland Avenue, Alaverdyan, who had already been at the northeast corner on the sidewalk, walked up to [REDACTED] and stabbed her once in the abdomen causing a small puncture wound.



Figure 1: Security footage showing [REDACTED] and her friends crossing Highland Avenue towards Alaverdyan.

[REDACTED] felt the impact of the knife on her body, looked down, and saw her injury. She alerted her friends [REDACTED] and [REDACTED] what had happened. At that time, Sergeant Peter Pak was sitting in his patrol vehicle in the left lane of Hollywood Boulevard facing westbound. [REDACTED] walked up to Pak's patrol vehicle and told Pak, "That man just stabbed our friend."



Figure 2: Knife used by Alaverdyan to assault [REDACTED]

Officers Respond

After [REDACTED] alerted Pak, Pak exited his police vehicle and walked to the northeast corner of Hollywood Boulevard and Highland Avenue. He broadcast on his radio, "Let me get an additional unit to my location for a 415 man."¹ Pak asked bystanders where Alaverdyan went. Bystanders pointed north along Highland Avenue. After walking a short distance northbound on the east sidewalk of Highland Avenue, Pak spotted and approached Alaverdyan, who was

¹ Penal Code § 415(1) prohibits unlawful fighting in a public place or generally "disturbing the peace."

holding a knife in his left hand to his own throat. Pak directed Alaverdyan to drop the knife. Alaverdyan refused, and Pak broadcast on the radio, “Let me get backup at my location for a 415 man with a knife, he’s on Highland just north of Hollywood Boulevard.” Pak requested the fire department respond to the location: “Let me get FD to my location as well, I’ve got a female...she’s suffering from a stab wound on the abdomen, she’s conscious and breathing.”

At the time Pak transmitted the information that he was confronting a subject who had just stabbed someone, Officer Abiva was driving his patrol vehicle. Abiva’s body worn camera captured information from these transmissions being rebroadcast by a dispatcher.

One minute and 18 seconds after Pak’s first call for backup, Officers Richard Hechavarria and Steven Robles arrived and positioned their police vehicle on the east side of Highland Avenue facing Alaverdyan. Officers Abiva and Timothy Gordon arrived approximately ten seconds after Hechavarria and Robles. Abiva parked his police vehicle immediately south of Hechavarria and Robles’ vehicle, unholstered his duty pistol, and positioned himself behind Hechavarria’s open driver door. While Abiva was positioned there, before shots were fired, his body worn camera captured Hechavarria’s police vehicle radio, over which Pak’s follow-up request for a rescue ambulance could be heard: “Requesting RA for a female...she’s suffering from a stab wound on her stomach.” Robles was positioned behind his vehicle’s front passenger door. Gordon and Hechavarria moved onto the sidewalk. Hechavarria had initially unholstered his duty pistol, but then went to his vehicle’s trunk to obtain a less-than-lethal beanbag shotgun.



Figure 3: Surveillance video depicting officers' positions just prior to the officer-involved shooting.

Alaverdyan continued to hold the knife to his neck. Robles said to him, “Hey dude, just do me a favor, drop that. Drop what you have in your hand. Just drop it bro, we’re going to get you

some help. We can't help you until you drop that." Abiva told Alaverdyan, "Hey, drop the knife bro ... Come on bro, just drop it." Alaverdyan, in response, laughed and displayed his middle finger in the direction of Abiva.

Alaverdyan turned his focus to Gordon and Hechavarria and counted, "One, two, three!" while repeatedly bringing his arms down to his thighs and thrusting his hips in the direction of the officers. Pak directed Hechavarria to give Alaverdyan the less-lethal admonition. Just as Hechavarria began to do so, Alaverdyan took three steps south towards the officers on the sidewalk.



Figure 4: Alaverdyan takes his first step towards Gordon and Hechavarria; knife circled in red.



Figure 5: Alaverdyan advances towards officers, still holding knife, just prior to officer-involved shooting.

In an interview, Hechavarria said, "As soon as I raised my voice to say something, he -- that's when he was looking at me and his attention was drawn to me and that's when he started moving towards me." Hechavarria then described what he perceived about how Alaverdyan was advancing towards him once Alaverdyan began walking: "He had ... his knife down in his hand ... like he was about to use it and he took an aggressive step ... towards me. It wasn't necessarily a sprint, but he was walking towards me with a purpose."

Officer Gordon, during his interview, added:

As – whoever gave out the [less-lethal] command – I'm not sure who it was – was being given, [Alaverdyan] then lunged towards officers in my direction at myself and whomever was at my right, along with the beanbag officer. He lunged and continued moving in a rapid motion towards us with the knife in hand about waist area.

As Alaverdyan took his third step towards Hechavarria, Hechavarria discharged the first of four beanbag rounds, hitting Alaverdyan. Approximately one third of a second after the first beanbag round was fired, Abiva fired twice with his duty pistol, hitting Alaverdyan once in the right

shoulder. When Abiva fired his duty pistol at Alaverdyan, he was 25 feet away from Alaverdyan, who was approximately 15 feet from Hechavarria.

After the fourth beanbag round struck Alaverdyan, he continued holding the knife and ran north approximately 13 feet, then briefly paced back and forth on the sidewalk, and sat on the sidewalk near the curb. Moments later, Alaverdyan placed the knife on the ground next to him and laid down on his left side. Officers maintained their positions and instructed Alaverdyan to roll to his right side. Officers then moved in, moved the knife away from Alaverdyan, and began rendering medical treatment to Alaverdyan as rescue ambulances were summoned.

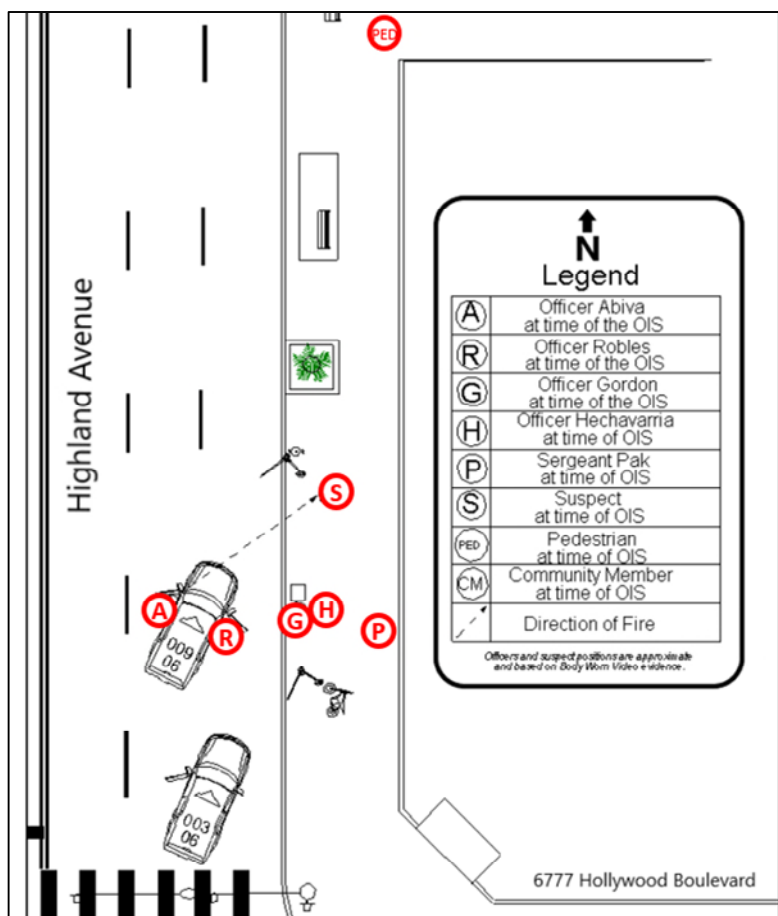


Figure 6: Diagram showing officers' positions and pathway of shots fired by Officer Abiva. A community member located further north on the east sidewalk of Highland Avenue is not depicted.

Timeframe Analysis

LAPD's Force Investigation Division's Video Technology Unit analyzed the body worn video footage related to this incident, used sound graph analysis to determine precise timing of the beanbag and pistol rounds fired by the officers. It was determined that all beanbag and pistol rounds were fired within a span of 2.22 seconds, as depicted in the following table:

Round	Relative Time	Action
1	0.000 seconds	Officer Hechavarria discharged first beanbag round
2	0.330 seconds	Officer Abiva fired first handgun round
3	0.654 seconds	Officer Abiva fired second handgun round
4	0.798 seconds	Officer Hechavarria discharged second beanbag round
5	1.451 seconds	Officer Hechavarria discharged third beanbag round
6	2.218 seconds	Officer Hechavarria discharged fourth beanbag round

Interview of Alaverdyan

On October 2, 2021, Alaverdyan was interviewed about the incident. [REDACTED]

Alaverdyan developed mental health challenges in the years leading up to this incident. LAPD's Mental Evaluation Unit had seven prior contacts with Alaverdyan. On October 5, 2021, the District Attorney's Office charged Alaverdyan in case BA499412 with one felony count of assault with a deadly weapon in violation of Penal Code § 245(a)(1) and one misdemeanor count of exhibiting a deadly weapon in violation of Penal Code § 417(a)(1). The criminal case proceedings remain suspended pending restoration of Alaverdyan's competency.

LEGAL ANALYSIS

A peace officer is justified in using deadly force upon another person when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (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 for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Penal Code § 835a(c)(1)(A) & (B).

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 another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed. Penal Code § 835a(e)(2).

In assessing the totality of the circumstances, all facts known to or perceived by the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force, is taken into consideration. Penal Code § 835a(a)(4) & (e)(3). The peace officer's decision to use force is not evaluated with the benefit of hindsight and shall account for

occasions when officers may be forced to make quick judgments about using force. Penal Code § 835a(a)(4).

The evidence in this matter shows that prior to the officer-involved shooting, Alaverdyan stabbed [REDACTED] in the stomach with a four-inch knife. Abiva was made aware via radio broadcasts of Alaverdyan's assault of [REDACTED] at the time he arrived on scene with other officers. Abiva saw Alaverdyan holding the knife. After Alaverdyan failed to comply with requests to drop the knife, Alaverdyan took three steps towards officers on the east sidewalk of Highland Avenue and approached to within approximately 15 feet of Hechavarria while holding the knife in front of his (Alaverdyan's) body. Alaverdyan held the knife, pointed towards police officers, as he walked swiftly towards them.

Based on the totality of the circumstances of Alaverdyan's conduct before police arrived and his actions when confronted by the police, Abiva could reasonably believe that the use of deadly force was necessary to defend against an imminent threat of death or serious injury to others.

CONCLUSION

For the foregoing reasons, we find that Abiva acted lawfully in defense of others when he fired at Alaverdyan.