

Fatal Officer Involved Shooting of Allen Mirzayan
Los Angeles County Sheriff's Department

Deputy Raul Reyes, #521173
Deputy Roberto Sigala, #514110
Deputy Jacob Thome, #626544

J.S.I.D. File #21-0010



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

August 18, 2023

MEMORANDUM

TO: CAPTAIN ANDREW D. MEYER
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: Fatal Officer Involved Shooting of Allen Mirzayan
J.S.I.D. File #21-0010
L.A.S.D. File #021-00071-0772-013

DATE: August 18, 2023

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 10, 2021, fatal shooting of Allen Mirzayan by Los Angeles County Sheriff's Department (LASD) Deputies Raul Reyes, Roberto Sigala, and Jacob Thome. We conclude that based on the totality of the evidence, the deputies reasonably believed that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to themselves and others.

The District Attorney's Command Center was notified of this shooting on January 10, 2021 at approximately 5:10 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through by LASD personnel.

The following analysis is based on investigative reports, surveillance video, non-compelled statements, recorded witness statements, photographs, and physical evidence submitted to this office by the LASD Homicide Bureau. None of the deputies were equipped with body worn cameras. The voluntary statements of Deputies Reyes, Sigala, and Thome were considered in this investigation.

INTRODUCTION

On January 10, 2021, at approximately 4:10 p.m., Deputy Reyes responded to the intersection of Lincoln Avenue and Figueroa Drive in the city of Alhambra. He was driving to an unrelated call when he was flagged down by an unidentified female who reported that a man, armed with a knife, had just stabbed someone at that location.

The male, later identified as Allen Mirzayan, had been loitering, shirtless, near the intersection for about an hour prior. During that time, he became increasingly aggressive, verbally confronting a civilian, charging at a driver stopped at the intersection and kicking their car, and violently attacking an elderly woman walking by. [REDACTED] was walking down the sidewalk

when Mirzayan grabbed her from behind, threw her to the ground, kicked her multiple times, and stabbed her with a knife.

Deputy Reyes arrived on the scene within a minute of Mirzayan's assault on [REDACTED]. Mirzayan approached Reyes's patrol car and stabbed the patrol car multiple times with his knife. Reyes saw [REDACTED] still laying on the ground nearby. He called for backup and within two minutes of his arrival, Deputies Sigala and Thome arrived at the scene.

The three deputies held Mirzayan at gunpoint and made repeated commands for him to surrender and to put down the knife but Mirzayan did not comply. Instead he continued to pace around, "ranting" in a language the deputies did not understand, and manipulating the knife. He walked toward the deputies twice and retreated, as if he were taunting or challenging them. Both times the deputies retreated, walking backwards, with their guns drawn when Mirzayan approached them.

After the second time he retreated, Mirzayan paused for a moment, then approached the deputies at a faster speed. The three deputies, observing that Mirzayan, still armed with a knife, was charging at or through them, fired their service weapons at him, killing him.

[REDACTED] was transported to the hospital where she was treated for a stab wound in her buttock and a fractured hip. The incident was captured on surveillance videos and civilian cell phone videos. Investigators recovered a knife on the ground near Mirzayan's body.

FACTUAL ANALYSIS

Location of Incident

The incident occurred on Figueroa Drive east of Lincoln Avenue in the city of Alhambra, in front of the business All Star Liquor Market.

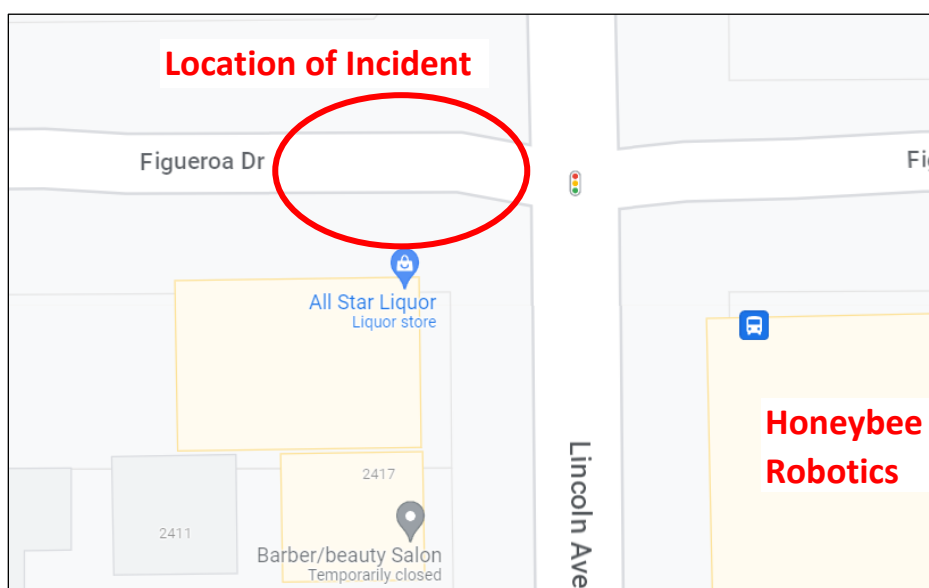


Figure 1: Map of location of incident.

Non-Compelled Statements

Deputy Raul Reyes

Reyes told investigators that he was responding to an unrelated call nearby when a female motorist flagged him down. She told him that a “crazy guy” was in the street just around the corner and that she thought the person had just stabbed someone. Reyes turned the corner onto Figueroa Drive and saw Mirzayan, shirtless, holding a knife, and standing in the middle of the street looking around. He also saw someone, later identified as [REDACTED], laying on the sidewalk. When Mirzayan saw the patrol car, he ran to the passenger side, banged on the hood of the car, tried to open the passenger side door, and stabbed the window with the knife. Reyes called for back-up.

Reyes pulled his patrol vehicle around to block Mirzayan’s path to [REDACTED], and he saw Sigala’s patrol vehicle arrive on scene. Reyes reported that he drew his Taser and turned it on but did not see the battery life light on. He saw Deputy Thome arrive at the scene and Mirzayan put the knife against his own throat. Thome asked him if he had less lethal weapons but he responded that he did not. Mirzayan was walking around and talking in a language he did not understand. Reyes gave Mirzayan several commands to put the knife down but Mirzayan did not comply. Mirzayan walked toward the deputies and then walked away, manipulating the knife in his hand, holding it in different ways. Reyes reported seeing Mirzayan shaking his head, shaking the hand with which he was holding the knife, then shift his body and feet as though he was getting ready to run. Reyes said he saw Mirzayan rush toward them while raising the knife. Fearing that Mirzayan was about to stab him or the other deputies, Reyes fired his gun at Mirzayan.

Deputy Roberto Sigala

Sigala reported that he and his partner Thome were on their way to an unrelated call nearby when he heard a radio call that Reyes was holding a person with a knife at gunpoint. Sigala was seconds away so he turned the corner and saw Mirzayan holding a knife and waving it around. Sigala reported that he exited his patrol car and gave verbal commands to drop the knife. He reported that Mirzayan was ranting but he could not understand what was being said. He saw Mirzayan manipulate the knife in different ways, including holding it against his own throat and the back of his head. Sigala continued to give Mirzayan verbal commands.

Sigala said Mirzayan began to walk toward them with the knife, and Sigala lost orientation of the street as the deputies walked backwards. Mirzayan retreated and the deputies advanced on Mirzayan. He continued giving Mirzayan commands, but he observed Mirzayan “prepping” himself for something and taking “a weird stance.” Sigala said Mirzayan advanced toward the deputies with more of “a power walk,” and Sigala believed that Mirzayan was “winding up to run through [them].” Believing that he or the other deputies could be hurt, he fired his firearm at Mirzayan.

Deputy Jacob Thome

Thome reported that he was driving the patrol car with his partner Sigala in the passenger seat when he heard Reyes state on the radio that he was holding someone with a knife at gunpoint. As they approached the intersection, Thome saw a woman at the liquor store waving at them and pointing. They turned the corner and he saw Mirzayan close to the passenger side door. Thome exited the vehicle, drew his firearm, and began giving Mirzayan commands to drop the knife.

Thome tried to arm himself with a 40mm bean bag but he could not locate one. Thome observed Mirzayan approach the open door of Reyes's patrol vehicle, but when Thome drew his firearm and ordered Mirzayan to back away from the vehicle, Mirzayan complied.

Thome reported that all three deputies gave Mirzayan repeated commands, but Mirzayan did not comply. He heard Mirzayan rambling in a language he did not recognize and saw Mirzayan manipulating the knife back and forth between both hands. At one point, Thome reported that Mirzayan got down on his knees, pointed the knife toward his spine like he was going to stab himself, and pointed the knife toward his chin as though he was going to cut his throat. Mirzayan stood up and then slowly walked toward them as the deputies retreated backwards. When Mirzayan stopped, they advanced toward him. Thome reported seeing Mirzayan take a "football stance" and put his head down, advancing toward them quickly, as though he was trying to get through the "football line." Believing that Mirzayan was trying to stab him or the other deputies, Thome fired his weapon.

██████████ Responding deputies saw 78-year-old ██████████ laying on the sidewalk east of All Star Liquor Market. She stated that she had been stabbed by a male after he grabbed her by the head, pushed her to the ground, kicked, and punched her. She was transported to the hospital where she received treatment for a 2-inch stab wound to her left buttock and a fractured right hip.

Witness Statements

Responding deputies and investigators spoke with civilian witnesses. ██████████ and ██████████ drove by the incident several times in their vehicle. They observed a white male standing in the street holding a knife to his throat and a female black adult lying on the sidewalk. They saw the first responding deputies arrive at the scene and detain the male at gunpoint. They saw the male stab one of the patrol cars with a knife. They also saw the male briefly kneel then get up and run toward the deputies with a knife in his hand when the deputies fired their weapons at him.

██████████ lived near the location and came out of her home when she heard police sirens on Lincoln Avenue. She saw three deputies with their guns drawn in front of All Star Liquor Market. She heard one of the deputies say, "Put your hands up!" and "Drop the knife!" ██████████ believed Mirzayan was "high" because he was "bouncing around." She saw Mirzayan approach and retreat away from the deputies. Finally she saw him "jump" toward the deputies and the deputies fired their guns at him.

Investigators spoke with [REDACTED], Mirzayan's widow. She told investigators that Mirzayan had been diagnosed with schizophrenia and he retired from the United States Army on a complete disability due to the diagnosis. She reported that Mirzayan was prescribed medication for his schizophrenia, but that he did not like to take them and he had not taken them for a few days before his death. [REDACTED] reported that Mirzayan heard voices and believed that his neighbors wanted to kill him. [REDACTED] also reported that on the day before the incident, Mirzayan was aggressive with her and had threatened her with a knife.

Video Footage

The incident was captured on surveillance cameras from All Star Liquor Market and Honeybee Robotics, businesses both located near the intersection. Neither surveillance system recorded any audio. Civilian witnesses also captured portions of the incident on their cell phone cameras.

All Star Liquor Market's surveillance video shows Mirzayan parking his car across the street around 3:10 p.m. Mirzayan exits his car, walks in the middle of the street and exposes his penis, then resumes walking around in the middle of the street. At 3:12 p.m., he takes off his shirt and remains shirtless as he loiters around his vehicle, in the street and on the sidewalk, and going in and out of his vehicle. Mirzayan sometimes appears animated, gesticulating like he is talking to someone or himself, but does not appear to have any direct interactions with any individuals until 4:05 p.m.



Figure 2: Video still from All Star Liquor Market of Mirzayan exposing his penis after parking and exiting his vehicle.



Figure 3: Video still of Mirzayan loitering around his vehicle, shirtless.

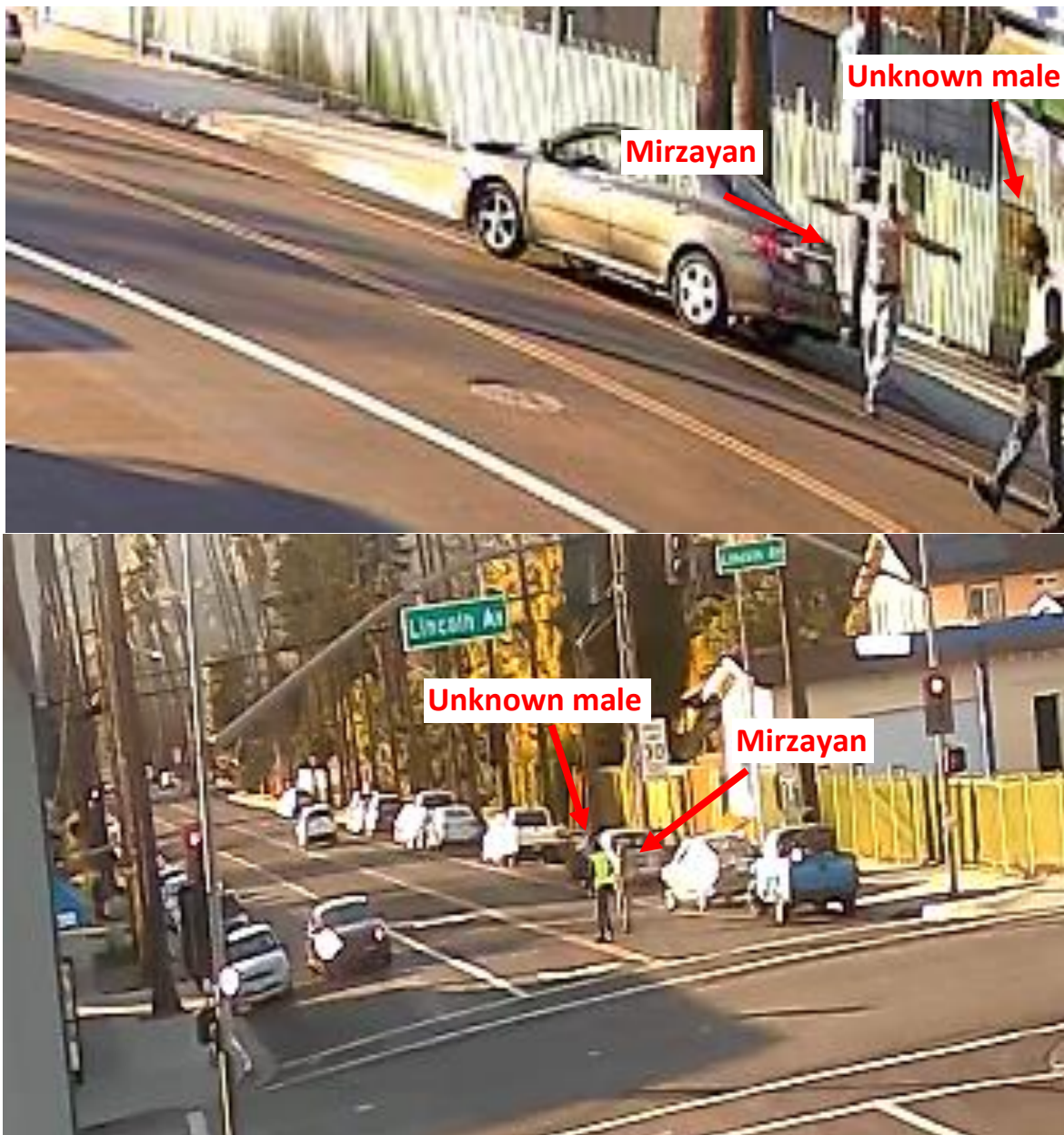
Surveillance footage from Honeybee Robotics, located across Lincoln Avenue, begins at 3:29 p.m. It also shows Mirzayan, shirtless, going in and out of his parked vehicle, walking across the street to All Star Liquor Market, and loitering on the sidewalk and corner across the street from the store.



Figure 4: Video still from Honeybee Robotics of Mirzayan walking up and down the sidewalk across the street from All Star Liquor Market, going in and out of his parked vehicle.

Mirzayan continues to walk up and down the sidewalk until about 4:00 p.m., when he confronts an unidentified male who parked his pick-up truck behind Mirzayan's vehicle. He appears to have a heated verbal altercation with the individual, following him across the street. The male walks across the street and speaks to someone in a vehicle stopped in front of the store. Mirzayan appears to continue to verbally confront the male from the middle of the street.

The male eventually walks back across the street to his vehicle and drives away without further incident.



Figures 5, 6: Video stills of Mirzayan getting into verbal altercation with unidentified male, who walks across the street and speaks to someone stopped in a vehicle in front of the store.



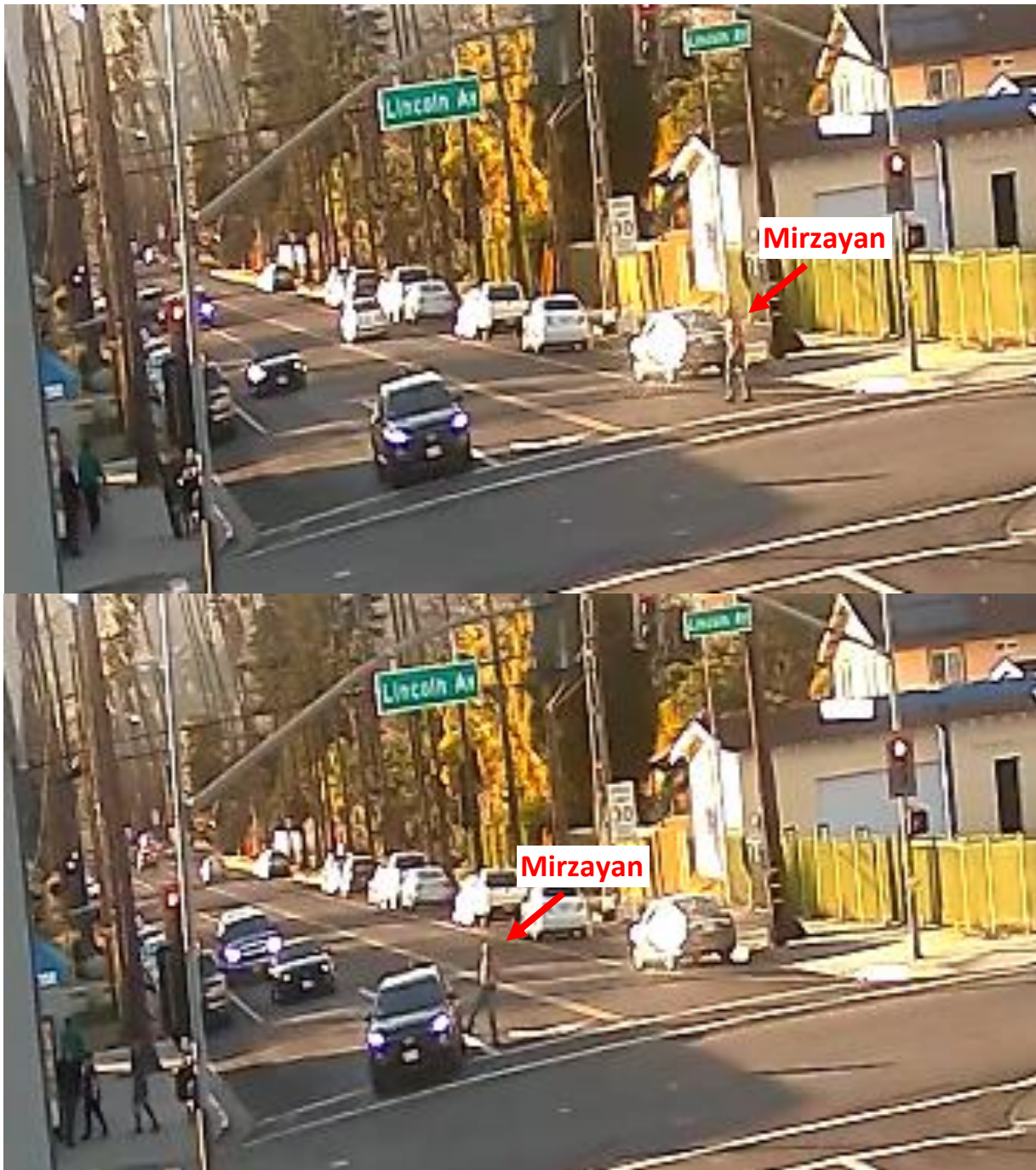
Figure 7: Video still of Mirzayan appearing to continue confronting the unidentified male.

After the altercation, Mirzayan's behavior escalates in aggression, appearing to yell at vehicles driving by and people walking nearby. Mirzayan throws an unknown object at a person who enters a vehicle parked behind his vehicle around 4:05 p.m.



Figure 8: Video still of Mirzayan throwing an unknown object at the vehicle parked behind his.

At 4:07 p.m., Mirzayan charges at a person stopped at a red light at the intersection. When the person pulls their vehicle away from him, he retreats away from the vehicle for a moment, then charges back at it, and kicks it as it is driven away.



Figures 9, 10: Video stills of Mirzayan charging at the vehicle stopped at the red light, then kicking the vehicle as it is being driven away.

As Mirzayan is confronting a person in the vehicle stopped at the red light, [REDACTED], using a cane is seen slowly walking alone down the sidewalk in front of All Star Liquor Market. Around

4:08 p.m., immediately after Mirzayan kicks the vehicle at the intersection, he circles back and walks toward [REDACTED]



Figure 11: Video still of [REDACTED] walking down the sidewalk.

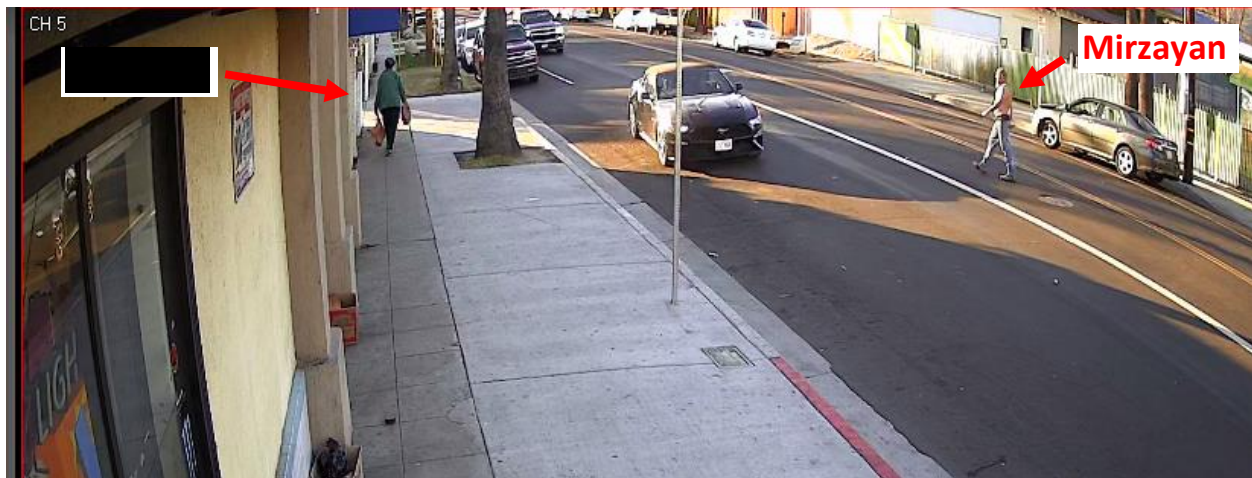


Figure 12: Video still of Mirzayan walking toward [REDACTED] after kicking the vehicle.

Mirzayan approaches [REDACTED] from behind, grabs her, and throws her to the ground. He then assaults her, kicking her at least twice, before walking away from her as she remains on the ground.



Figures 13, 14, 15: Video stills of Mirzayan throwing [REDACTED] to the ground, assaulting her, and walking away, leaving her laying on the ground.

After attacking [REDACTED], Mirzayan walks around in the middle of the street, acting even more aggressively and animated. As Mirzayan charges at a vehicle driving by with a knife in his hand, the first patrol vehicle arrives on the scene at 4:08 p.m., within a minute of Mirzayan attacking [REDACTED]



Figure 16: Video still of Mirzayan charging at a vehicle with a knife in his hand.

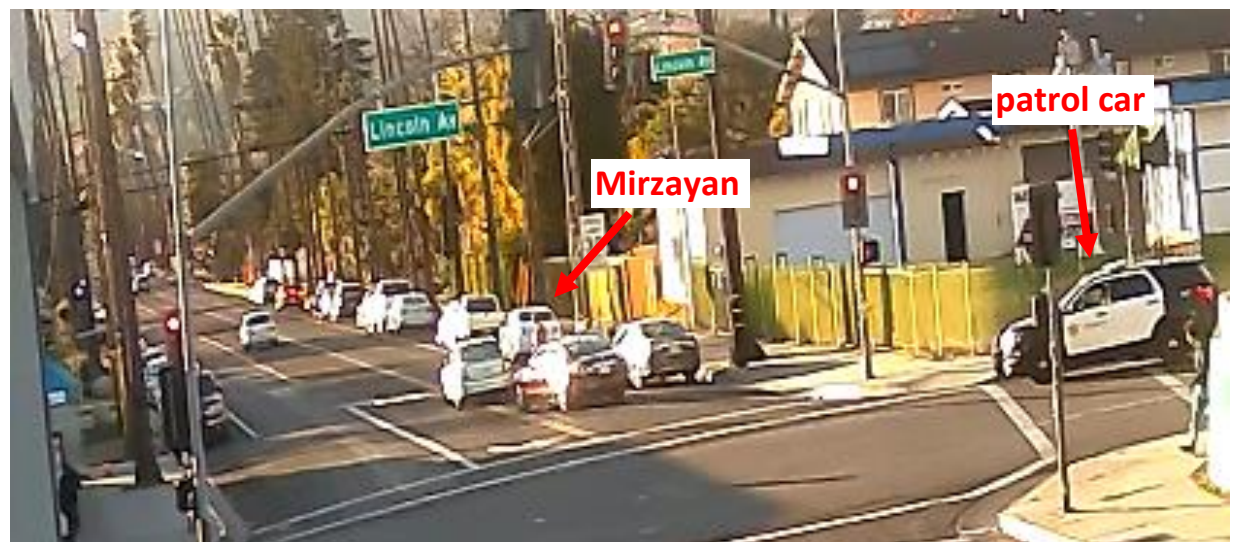


Figure 17: Video still of the first patrol car arriving at the scene as Mirzayan is running after the light colored sedan.

As the patrol car is turning into the intersection, an individual who saw Mirzayan attack [REDACTED] directs the patrol car down the street, either toward Mirzayan or where [REDACTED] was still laying. When the patrol car turns onto Figueroa Drive, Mirzayan approaches the vehicle.



Figure 18: Video still of the man directing the first responding patrol car down the street.



Figure 19: Video still of Mirzayan approaching the first patrol car.



Figure 20: Video still of Deputy Reyes arriving and [REDACTED] laying on the sidewalk.

Mirzayan walks over to the passenger side of the patrol car and appears to either be hitting or stabbing the vehicle multiple times with an overhead swinging motion. The patrol car remains there for about a minute before it slowly drives down the street and makes a U-turn near where [REDACTED] is laying on the ground. As the first patrol car is making the U-turn, Mirzayan walks toward the civilians watching in front of the store. When the civilians retreat into the store, he pulls down his pants, exposing his penis, and continues to walk toward them. A knife is visible in his right hand. He pulls his pants up and walks back to the opposite sidewalk as the second patrol car arrives at the scene at 4:10 p.m.



Figure 21: Video still of Mirzayan swinging his arm overhead multiple times at the passenger side of the first patrol vehicle.



Figure 22: Video still of Mirzayan walking toward the store with his penis exposed. A knife is visible in his right hand.



Figure 23: Video still of the second patrol car arriving at the scene.

Deputies Thome and Sigala exit the second patrol car and Mirzayan raises his arms above his head and goes down onto his knees. Less than five seconds later, Mirzayan gets back onto his feet and continues to walk around.



Figure 24: Video still of Mirzayan getting down on his knees with his hands raised above his head as Deputy Thome begins reaching for his service firearm. Deputy Sigala is standing outside the vehicle on the passenger side, closer to Mirzayan but not visible from this angle.

Mirzayan initially walks up and down the sidewalk by the deputies, who are standing in the street. He walks into the street toward the deputies, between the two patrol cars, then returns to the sidewalk and continues pacing and gesticulating with large arm movements.





Figures 25, 26, 27, 28: Video stills of Mirzayan pacing on the sidewalk, walking toward the deputies, retreating, and pacing on the sidewalk.

Mirzayan pauses pacing for a few seconds on the sidewalk between the patrol cars and then begins walking toward the deputies into the street. This time, he walks halfway across the street, past the double yellow lines, and the three deputies walk backwards, away from Mirzayan, with their guns drawn. He pauses in the middle of the street before retreating, back toward the sidewalk, and the deputies advance on him.



Figures 29, 30, 31: Video stills of Mirzayan walking toward deputies with a knife in hand; deputies retreating with guns drawn.



Figure 32: Video still of Mirzayan walking away from the deputies; deputies walking toward Mirzayan.

When Mirzayan reaches the curb, he pauses for a moment. The deputies are standing in the middle of the street, with their firearms still drawn on him. Mirzayan begins to advance toward the deputies at a faster speed than before, with his body angled forward. The deputies retreat backwards again and fire their weapons at Mirzayan, who only makes it a few steps before he is struck by bullets and falls to the ground.



Figure 33: Video still of Mirzayan pausing for a moment by the curb.



Figures 34, 35: Stills from cell phone video of Mirzayan speeding up as he approaches the deputies.





Figures 36, 37, 38, 39: Video stills of Mirzayan approaching the deputies at a fast speed.



Figures 40, 41: Video stills of the deputies firing their weapons at Mirzayan while walking backwards, away from him.

After Mirzayan falls to the ground, the deputies approach him to render aid, but Mirzayan remains unresponsive.

Physical Evidence

Investigators conducted a firearm and magazine bullet count with the three involved deputies. Sigala and Thome were armed with Smith & Wesson 9mm M&P handguns, and Reyes was armed with a 9mm Beretta. Based on the casings recovered at the scene and round counts of the

involved deputies' weapons, Sigala fired seven rounds, Reyes fired four rounds, and Thome fired two rounds.

At the scene, investigators found a knife blade with blood and a detached black knife handle. The knife blade was located next to the curb of the sidewalk, near where Mirzayan was seen pausing on video before he charged at the deputies, and the knife handle was located next to Mirzayan's feet. It is unknown when or how the knife blade became detached from the handle.



Figure 42: Mirzayan's body and locations of knife blade and knife handle.



Figure 43: Close up of knife handle found next to Mirzayan's feet.



Figure 44: Close up of knife blade found by the curb near Mirzayan's body.

Investigators observed pointed depressions and scratches on the edge of the hood on the passenger side of the LASD patrol car driven by Reyes as well as similar markings on the top of the passenger door frame.



Figure 45: Pointed depressions on the hood of Deputy Reyes's patrol vehicle.

Autopsy

Doctor Jun Guan of the Los Angeles County Coroner's Office performed an autopsy and ascribed the cause of Mirzayan's death to multiple gunshot wounds. Mirzayan suffered eleven gunshot wounds: one to his head and neck, three to his upper chest, two to his shoulders, two to his abdomen, two to his arms, and one graze wound to a finger. Dr. Guan opined that the wounds to the heart, lungs, and spinal cord were immediately fatal. Toxicology results showed the presence of cannabinoids in Mirzayan's blood.

THE LAW

A peace officer is justified in using deadly force 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 section 835a(c)(1)(A) & (B).

Deadly force shall be used "only when necessary in defense of human life," and officers "shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer." Penal Code section 835a(a)(2).

"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 section 835a(e)(2).

When considering 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, are taken into consideration. Penal Code section 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 section 835a(a)(4).

LEGAL ANALYSIS

Deputies responded to the location with knowledge that there was a suspect armed with a knife, acting erratically, who had recently stabbed someone. Deputy Reyes had been flagged down by a female motorist who advised him of a possible stabbing that had just occurred. Reyes arrived at the scene first and saw Mirzayan, shirtless and acting erratically in the street. Mirzayan came up to his patrol vehicle and stabbed at the vehicle several times with a knife. Reyes saw [REDACTED] laying on the sidewalk nearby, corroborating the information he was given by the female motorist. Sigala and Thome arrived on the scene and also saw Mirzayan armed with a knife.

They ordered Mirzayan to drop the knife and he initially appeared to comply, getting down to his knees. He then got to his feet and began pacing. All three deputies heard Mirzayan “ranting” in a language they did not understand and saw Mirzayan manipulating the knife in his hand, holding it in different ways and sometimes gesturing like he was going to harm himself. Mirzayan twice walked toward the deputies with the knife in his hand; the first time he only walked a few steps toward them. The second time he walked faster and more confidently than the first time, approaching them halfway across the street. The deputies backed up away from him each time with their guns drawn, repeating their commands to drop the knife and surrender. He ignored their commands but retreated back toward the sidewalk, as if he were taunting or challenging them. After the second time he retreated, Mirzayan paused for a moment and approached the deputies at a faster speed, as if he was charging at them. The deputies, while retreating backwards, fired at Mirzayan, killing him.

Video footage of the incident and civilian witnesses corroborate the deputies’ observations. Although he only took a few steps toward the deputies the third time before he was shot, the speed of the steps he took and his body angle show that he was moving faster and picking up speed as he moved toward them. The civilians also described Mirzayan as “jumping at” or “running” toward the deputies when they shot him.

We conclude that based on the totality of the evidence, the deputies reasonably believed that the use of deadly force was necessary to defend against an imminent threat of death or serious bodily injury to themselves and/or others within the meaning of Penal Code section 835a(c)(1)(A).

CONCLUSION

For the foregoing reasons, we find that Deputies Reyes, Sigala, and Thome acted lawfully in self-defense when they used deadly force against Allen Mirzayan.