

**Non-Fatal Officer Involved Shooting of Alen Albanian  
Los Angeles Police Department**

**Officer Gary Hansen #39218**

**J.S.I.D. File #18-0291**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**May 17, 2022**

## **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 Alen Albanian  
J.S.I.D. File # 18-0291  
L.A.P.D. File # F041-18

DATE: May 17, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 20, 2018, non-fatal shooting of Alen Albanian by Los Angeles Police Department (LAPD) Officer Gary Hansen. We find that Officer Hansen acted in lawful self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting on June 20, 2018, at approximately 12:01 a.m. The District Attorney Response Team responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon the recorded interviews of involved parties and witnesses, body worn video (BWV) footage, and reports prepared by the Los Angeles Police Department (LAPD), submitted to this office by Lieutenant Damian Gutierrez of the Force Investigation Division.

### **FACTUAL ANALYSIS**

On Wednesday, June 20, 2018, at approximately 10:15 p.m., Alen Albanian stabbed his ex-wife, [REDACTED], multiple times with a knife inside their home on Sardinia Way. [REDACTED] ran across the street and yelled for help before laying down on the sidewalk on the opposite side of Sardinia Way. A neighbor, [REDACTED], called 9-1-1 at approximately 10:38 p.m. [REDACTED]'s husband [REDACTED] retrieved an aluminum baseball bat from his home and stood over [REDACTED], protecting her in the event Albanian came after her again. Albanian remained inside the residence until the police arrived.

LAPD Officers Gary Hansen and Nicholas Esquivel were working patrol. The officers were dressed in uniform and driving a marked black and white vehicle. At 10:44 p.m., they responded to a radio call stating, "Devonshire Units, Ambulance Cutting...it's going to be a domestic violence involved, suspect is the husband, victim is in the actual street, unknown location of the

husband at this time...” Shortly thereafter Officers Patrick Rimkunas and Ryan Kennedy arrived on scene.

Esquivel and Hansen stopped their vehicle, exited, and used a white sport utility vehicle parked on Sardinia Way for cover. They were located across the street from Albanian’s residence. From that location, Esquivel was able to see Albanian in the front doorway of his residence. Albanian walked out of his residence with a knife in his right hand. Esquivel advised Hansen that Albanian had a knife in his right hand. Hansen ordered Albanian to drop the knife. Albanian did not drop the knife. Albanian walked towards Esquivel and Hansen still holding the knife.

As Albanian walked from the front door to the sidewalk, Esquivel fired one round from his Remington 870 beanbag shotgun at Albanian, striking him in the abdomen from approximately 20 feet away. Albanian appeared to be unphased and continued walking towards the officers while still holding the knife. Esquivel’s beanbag shotgun malfunctioned. Rimkunas, who was positioned in the middle of the street outside the passenger door of his car, between Albanian and Esquivel, deployed his Taser, striking Albanian in the right rib cage area. Rimkunas activated the Taser for a five second round from a distance of approximately 12 feet. Albanian tensed up momentarily but then continued walking towards Esquivel and Hansen, still holding the knife.

Officer Kennedy, who was on the driver’s side of the same car as Rimkunas, fired three more rounds from his beanbag shotgun, striking Albanian in the midsection. Albanian kept walking towards Hansen and Esquivel as the beanbag rounds were being fired. Hansen fired his duty weapon six times in succession moving backwards while shooting as Albanian was still walking towards him. Hansen was eight to ten feet away from Albanian when he fired his weapon. Hansen’s rounds struck Albanian once in the abdomen and once in the left leg causing him to fall to the ground. Albanian tried to get up despite officers ordering him to stay down. Esquivel tasered him again.

Albanian suffered a gunshot wound to the left leg, a gunshot wound to the abdomen, one contusion from a beanbag round to the abdomen, two contusions from a bean bag round to the right torso, and one contusion from a beanbag round to the lower back. Albanian was transported to Northridge Hospital Medical Center where he was admitted for his injuries.

The knife was recovered from the northwest curb of the intersection of Sardinia Way and Trieste Lane. The knife was a “Wusthof” brand with a 4.75 inch black handle and 7.75 inch steel blade.



Photograph Albanian’s knife.

On June 25, 2018, prosecutors charged Albanian with five felony counts, including violations of Penal Code §§664/187(a), attempted murder, Penal Code §273.5(a), corporal injury to a spouse, Penal Code §245(a)(1), assault with a deadly weapon, and two counts of Penal Code §69, resisting an officer in case PA091179. This case is currently pending trial.

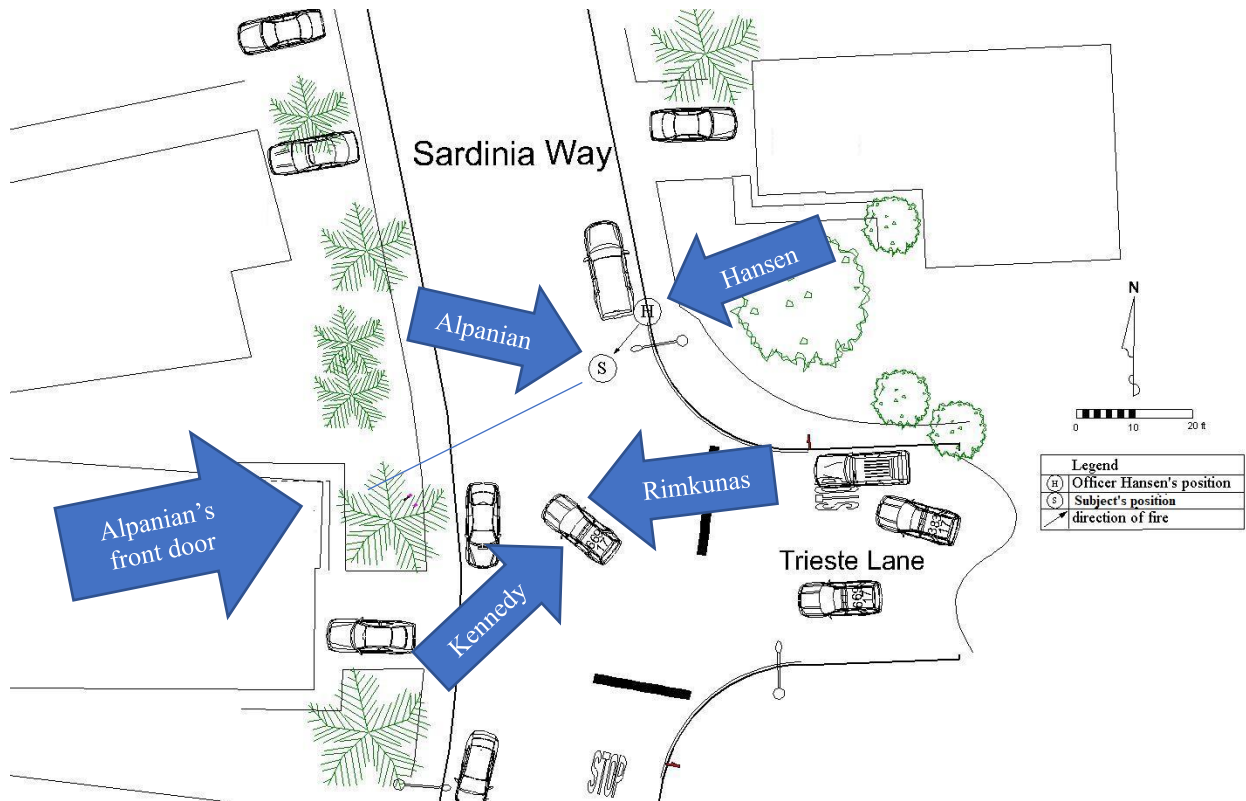


Diagram showing the approximate positions of the officers and Albanian at the time of the shooting.



## Body Worn Video Footage



*Screenshot from Rinkunas's BWV as Alpanian exits the residence and is struck with the first beanbag round.*



*Screenshot from Rinkunas's BWV showing the first Taser contact.*



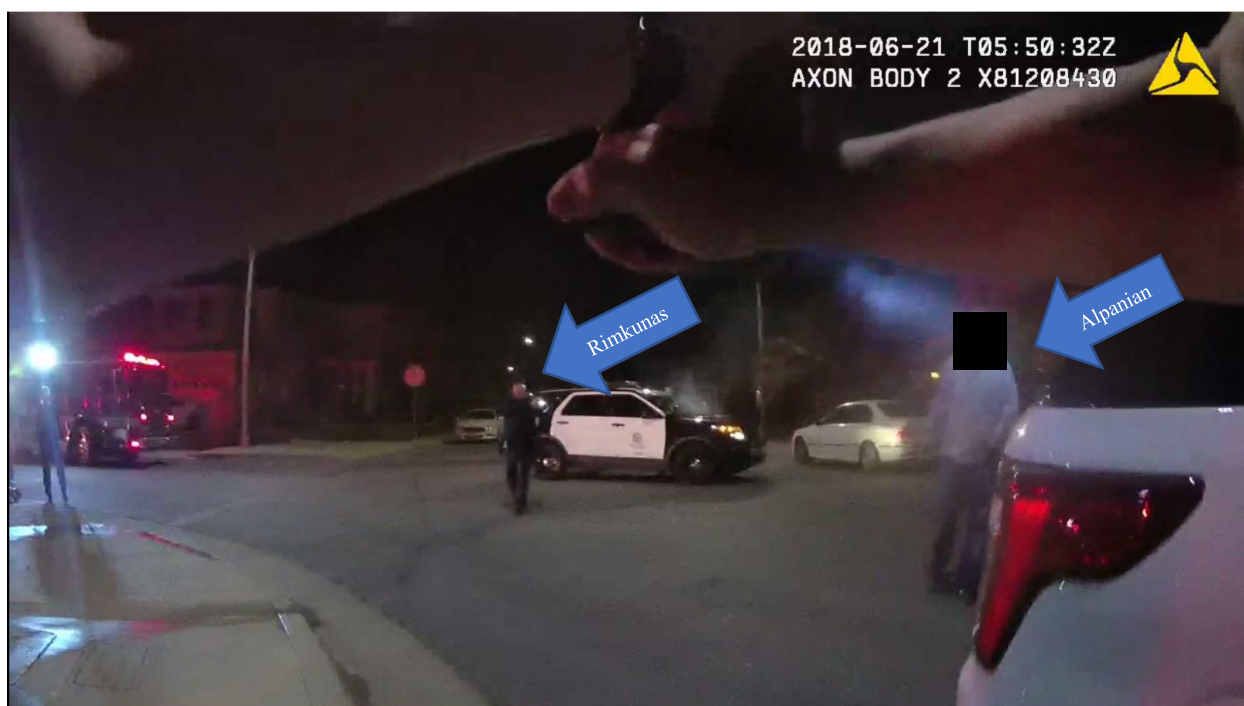
*Screenshot from Rimkunas's BWV showing Alpanian continuing to walk towards Hansen and Esquivel while being tased.*



*Screenshot from Rimkunas's BWV after the second set of beanbag rounds are fired.*

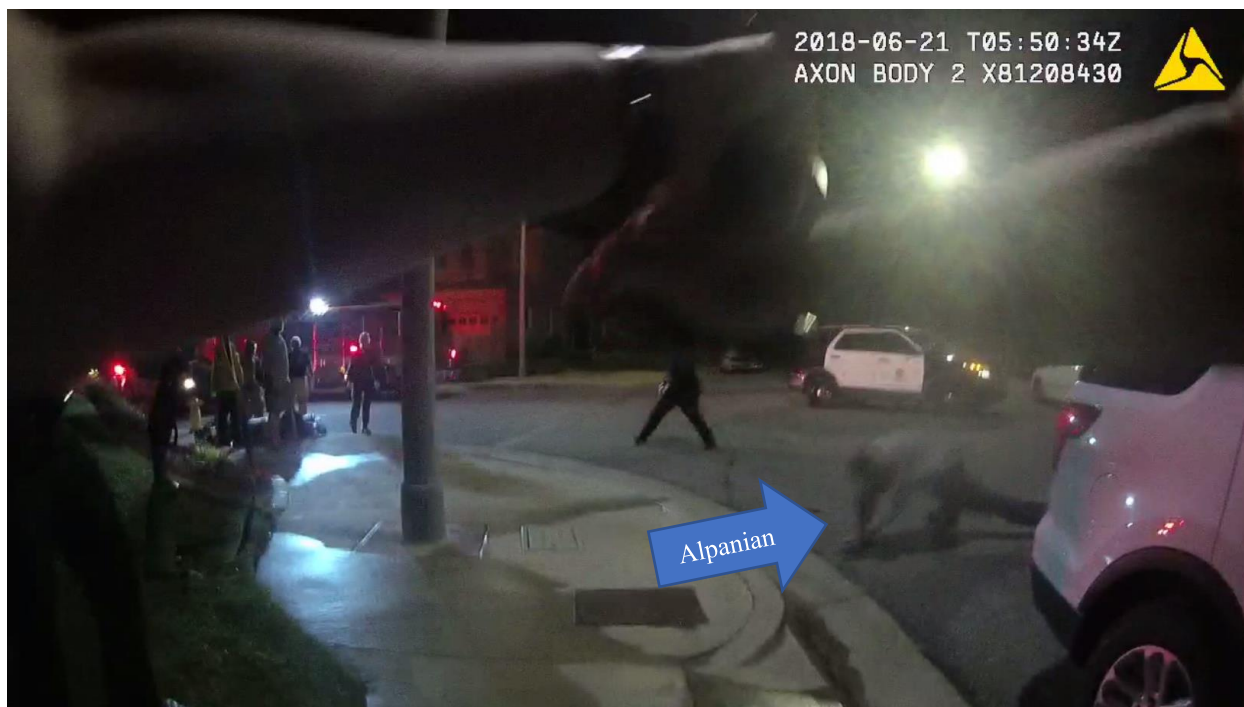


*Screenshot from Rimkunas's BWV showing Albanian walking with his knife in hand as Hansen fires.*



*Screenshot from Hansen's BWV showing Albanian walking towards him as he fires.*





*Screenshot from Hansen's BWV showing Albanian falling to the ground. Albanian's ex-wife is being assisted by medics.*



*Screenshot from Esquivel's BWV of Albanian attempting to get up as Esquivel activates the Taser.*

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4<sup>th</sup> 1073, 1082; *see also*, CALCRIM No. 505.

“The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight...The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.” *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

“Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

Once the deputy believed deadly force was necessary, the shooting officer did not have an obligation to stop firing the weapon until the threat had ended. “If lethal force is justified, officers are taught to keep shooting until the threat is over.” *Plumhoff v. Rickard* (2014) 134 S.Ct. 2012.

If a person acted from reasonable and honest convictions, he cannot be held criminally responsible for a mistake in the actual extent of the danger, when other reasonable men would alike have been mistaken. *People v. Jackson* (1965) 233 Cal.App.2d 639. The test of whether the officer’s actions were objectively reasonable is “highly deferential to the police officer’s need to protect himself and others.” *Munoz v. City of Union City* (2004) 120 Cal.App.4<sup>th</sup> 1077, 1102.

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. If the person’s beliefs were reasonable, the danger does not need to have actually existed. *Id.*

Alpanian stabbed his ex-wife and then came out of their home armed with a knife. Alpanian walked across the street in the direction where his injured ex-wife lay. Alpanian was struck with a beanbag but he kept walking. Then he was struck with a Taser by Rimkunas and it did not stop him. Alpanian was hit with additional rounds of bean bags and he kept walking across the street directly towards the officers, still armed with a knife. Hansen then shot and struck Alpanian twice. Once Alpanian fell to the ground he again started to get back up. He was then tased again before officers were able to take him into custody.

## **CONCLUSION**

Given the totality of the circumstances, we find that Officer Hansen acted in lawful self-defense and in the defense of others at the time he fired his weapon.