

**Fatal Officer Involved Shooting of Michael Harrison
Culver City Police Department**

**Sergeant Terry Murphy, #1034
Officer Mark Umutyan, #1110**

J.S.I.D. File #18-0351



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

May 14, 2021

MEMORANDUM

TO: CHIEF MANNY CID
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CAPTAIN JOE MENDOZA
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Fatal Officer Involved Shooting of Michael Harrison
J.S.I.D. File #18-0351
C.C.P.D. File #18-0004655
L.A.S.D. File #018-00064-3199-013

DATE: May 14, 2021

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 18, 2018, fatal shooting of Michael Harrison by Culver City Police Department (CCPD) Sergeant Terry Murphy and Officer Mark Umutyman. We have concluded that Sergeant Terry Murphy used lawful and reasonable force in self-defense, and Officer Mark Umutyman used lawful and reasonable force in defense of another.

The District Attorney's Command Center was notified of the shooting at approximately 3:00 p.m. on August 18, 2018. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, recorded interviews, firearm analysis reports, autopsy reports, crime scene photos and diagrams, body-worn video, dashboard camera, and surveillance videos, and witness statements submitted to this office by Los Angeles County Sheriff's Department (LASD) Sergeant Marc Boskovich and Detective Eugene Hatch.

FACTUAL ANALYSIS

On August 15, 2018, Michael Harrison's sister learned her brother had been admitted to a mental hospital for 72 hours, pursuant to Welfare and Institutions Code (WIC) section 5150. She became concerned that he remained intent on suicide and would be discharged from the hospital

while still in crisis. On August 17, 2018, Harrison’s sister and her friend drove to Los Angeles from the Bay Area. Unable to prevent Harrison’s discharge, they brought him to an Airbnb on Culver Boulevard they had rented. The next day, they made plans to help Harrison get reestablished in his own apartment. While the friend waited in their car parked in front of the Airbnb unit, Harrison searched for his apartment keys, which he had misplaced. Suddenly, Harrison attacked his sister with a large cleaver he took from the kitchen area of the unit. She fled into the courtyard of the apartment building and out into the rear alley.

On August 18, 2018, at approximately 1:47 p.m., CCPD dispatch issued a broadcast reporting a woman covered in blood and screaming “Help me!” running from a man armed with a knife. In the next few minutes, dispatch updated the call, advising that several 9-1-1 callers reported a man, later identified as Harrison, armed with a cleaver, was chasing a woman, later identified as his sister, down an alley. The calls traced a path from an apartment building on Culver Boulevard to a house in the 4100 block of Mentone Avenue, where the residents provided shelter to the woman.

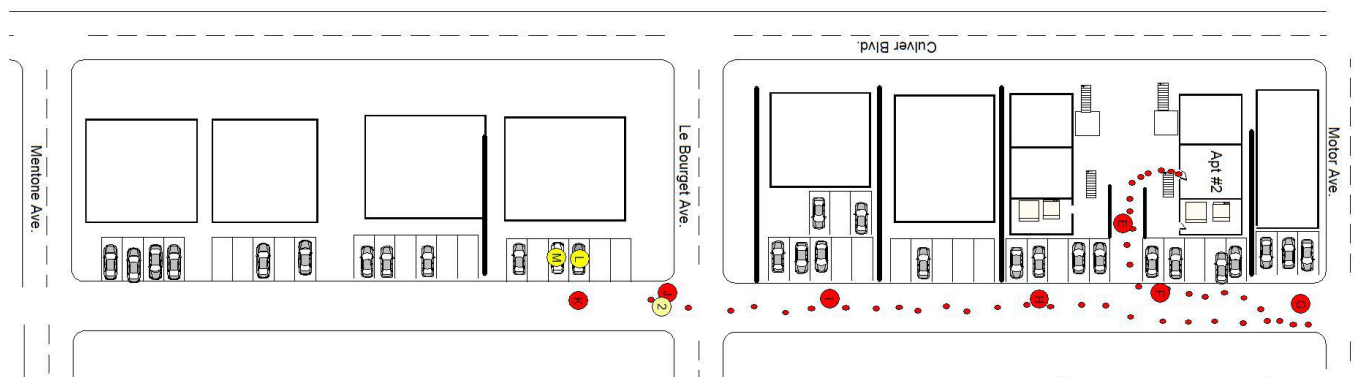


Figure 1: Diagram of Culver Boulevard alley with red markers indicating blood trail from the rental unit, westbound through the alley towards Mentone Avenue; Marker 2 indicating Harrison’s pants and shoes; and Markers L and M indicating additional blood stains.

Murphy was in uniform and working at the station shortly before 2:00 p.m. that day when he heard a call for service regarding a domestic incident involving a knife at an address on Culver Boulevard. He authorized a unit to respond Code-3¹ and advised dispatch that he would be assisting on the call. En route, Murphy received an update that there were two addresses involved on the call. He responded to the second address on Culver Boulevard near Mentone Avenue. Murphy parked his patrol car, exited, and drew his duty weapon from his holster. He heard another update that Harrison was running barefoot and carrying a knife, westbound towards Mentone Avenue.² Murphy ran southbound from Culver Boulevard to Mentone Avenue and saw Officer Carlos Moncayo stop his CCPD patrol unit at the east end of the alley near

¹ Code-3 refers to an emergent response with a police vehicle’s lights and sirens activated.

² In this area of Culver City, Culver Boulevard and its cross-streets run diagonal to true North. CCPD personnel and civilian witnesses refer to Culver Boulevard as an east-west artery and Mentone and Le Bourget Avenues as north-south cross streets. This puts the east-west alley behind Culver Boulevard north of the next street south, which is Braddock Drive. LASD investigators and criminalists label Culver Boulevard as a north-south artery and Mentone and Le Bourget Avenues as running east-west. This memo adopts the directional references used by the witnesses in their recorded statements.

Mentone Avenue. Moncayo's partner, Umutyan, exited the vehicle. Murphy told Umutyan to check the area for Harrison. Just then, Murphy saw Harrison approximately 75 yards south of him on Mentone Avenue, closer to Braddock Drive.

As Murphy noticed Harrison, he heard an update that the victim was inside a home on Mentone Avenue and Murphy started to walk towards the location. As he did so, Harrison began running towards Murphy. Harrison was barefoot and holding a knife in his right hand. Murphy was near the east curb line of Mentone Avenue and Harrison was on the west sidewalk, about 30 to 40 feet away. Harrison stepped off the curb and began closing the distance. Harrison was "looking straight at" or "looking through" Murphy. Murphy ordered Harrison to drop the knife, but he did not comply. In fear for his life, Murphy fired what he believed to be two rounds at Harrison as he got within ten to 15 feet of Murphy.³ Two other officers approached Harrison and handcuffed him as they waited for paramedics to arrive.

Umutyan was interviewed and stated he was working patrol with his partner, Moncayo, when they received a call for service regarding a male stabbing a female in the face with a knife. They responded Code 3 towards Culver Boulevard.

As Umutyan and Moncayo responded, they received updated information that Harrison had removed his pants and was running from the location. Moncayo drove to the south alley of Culver Boulevard and Le Bourget Avenue where they saw a pair of pants and shoes at the entrance to the alley. As Umutyan exited the patrol car, a man told him that Harrison had run westbound through the alley towards Mentone Avenue. Umutyan checked cars parked in the carports as he walked down the alley. As he arrived at Mentone Avenue, he saw Murphy standing in the middle of the street, looking south towards Braddock Drive, yelling something. Umutyan approached Murphy and saw Harrison in underwear and socks, running at a "full sprint" north on the west sidewalk, holding what appeared to be a machete at chest-level. Murphy was commanding Harrison to drop the knife, as Harrison was about 30 yards away and getting closer. Umutyan ordered Harrison to drop the knife. Harrison did not drop the weapon and kept running towards Murphy. Fearing that Harrison was going to "slash" Murphy, causing him death or great bodily injury, Umutyan fired approximately three to four rounds at Harrison as he got to within ten yards of Murphy.⁴ Harrison fell to the ground. Moncayo arrived at the location and handcuffed Harrison. They requested paramedics and Culver City Fire Department (CCFD) arrived soon after.

Officer Moncayo was interviewed and stated that while Umutyan went on foot towards Mentone Avenue, Moncayo drove through the alley and parked the police car just beyond Mentone Avenue. As Moncayo did so, he saw Harrison running north toward Culver Boulevard with a knife in his hand. Moncayo exited the car and ordered Harrison to drop the knife. As Harrison ran towards Murphy and Umutyan, Moncayo heard shots fired and saw Harrison fall to the ground. As officers handcuffed Harrison, Moncayo heard Harrison say he was in hell.

³ Investigators took possession of and examined Murphy's duty weapon, a Glock 17, 9mm semiautomatic pistol, and determined that he fired four rounds.

⁴ Investigators took possession of and examined Umutyan's duty weapon, a Glock 21SF, .45 caliber semiautomatic pistol, and determined that he fired seven rounds.



Figure 2: Photo of 4100 block of Mentone Avenue looking northbound, with red circles indicating Harrison's cleaver and location where Harrison received medical attention.

Investigators interviewed Officer Edward Baskaron who stated that he was on patrol and responded to the first Culver Boulevard location regarding a call for service related to a man stabbing a woman. En route, witnesses told him the suspect had tried “to hatchet off the female; trying to kill her” and pointed out where they had run. Baskaron drove down the alley to Mentone Avenue. There, he saw Murphy standing in the street and Harrison sprinting towards Murphy, holding a large butcher knife. Baskaron stopped his patrol car and shouted, “Shoot him!” Other officers fired rounds and Harrison fell to the ground. Baskaron did not fire because other officers were standing between him and Harrison. Baskaron put on gloves and handcuffed Harrison for officer safety. Officers called paramedics and rendered medical treatment until CCFD arrived.

On August 18, 2018, investigators interviewed Sam S. who stated that he had entered the alley to throw some trash into a dumpster. Harrison's sister cried out, “Please help me! He's trying to kill me!” Sam S. saw that she was bleeding from her face, her nose appeared to be dangling from her face, and she had blood down her arm and back. He looked past her and saw Harrison up the alley, “walking like Frankenstein,” with his pants around his ankles.⁵ Sam S. told Harrison's

⁵ Sam S. was not wearing his glasses and could not tell at that distance whether Harrison had anything in his hands.

sister to come with him. They ran around the corner, up Mentone Avenue, through his backyard and into his house. Sam S. gave Harrison's sister a compress for her face while he called 9-1-1.

Concerned that Harrison might try to follow his sister into the house, Sam S. closed the back door and walked towards the front of his house. He went to look out the front window facing Mentone Avenue. As he reached the window, he heard a voice say, "Drop your weapon!" Through the open window blinds, Sam S. saw three officers "in a triangle formation" with two in front and one behind, facing east towards Harrison. The officers had their guns drawn and were moving slowly towards Harrison who was about 20 to 30 feet away from the officers. Harrison turned and began advancing towards the officers. Sam S. could not say how fast Harrison was moving but described it as "purposeful" and not in compliance with the officers' commands. Although he could not see if Harrison had anything in his hands from his vantage point, Harrison did not have his hands up over his head. Sam S. did not hear Harrison say anything. Harrison took one to two more steps towards the officers and Sam S. heard at least two shots in rapid succession. Sam S. immediately stepped away from the window. Sam S. said the time went "very fast" from when he first heard the officers command Harrison to drop his weapon, to seeing Harrison turn and advance toward the officers, to when Sam S. heard shots fired.

Sam S. went outside and directed officers to his home to assist Harrison's sister. Paramedics transported her to the hospital where she underwent surgery for her injuries.

Witnesses who were in the alley pointed to where the sister had fled and attempted to enter a car occupied by two women. They also showed officers where Harrison had left his pants and shoes near the intersection of the alley and Le Bourget Avenue. One witness who had been closer to Mentone Avenue said he heard officers yell, "Freeze!" before he heard several shots.

LASD Sergeant Marc Boskovich and Detective Eugene Hatch, with the assistance of LASD criminalists, documented a blood trail that extended from the rental unit on Culver Boulevard, through the alley and into Sam S.'s house. Along the path of the blood trail, they also noted Harrison's sweatpants and shoes. A thirteen-inch knife with apparent bloodstains on the cleaver-style blade was found in the middle of Mentone Avenue⁶ along with seven Winchester .45 caliber expended cartridges and four 9mm expended cartridges.

Harrison was transported by ambulance to UCLA Medical Center -Westwood. He was treated but succumbed to his wounds during surgery and was pronounced deceased at 2:14 p.m. A subsequent autopsy revealed that Harrison sustained five gunshot wounds: two fatal gunshot wounds entered the right upper chest and the left upper thigh; non-fatal or not rapidly fatal wounds entered the right forearm, right upper wrist, and right hip. Both wounds to the right arm were through-and-through and the trajectory of either one could have also caused one of the wounds to the trunk. All the wounds except the one to the wrist had front-to-back trajectories.⁷ Subsequent toxicology testing indicated the presence of marijuana and a metabolite of Prozac in Harrison's blood at the time of his death.

⁶ The knife appeared to belong to a knife set on the kitchen counter in the Airbnb unit.

⁷ The paths of travel of the wounds to Harrison's trunk are consistent with shots fired while Harrison advanced towards the officers with his right arm outstretched.



Figure 3: Harrison's cleaver.

Harrison's sister survived the attack. She underwent lengthy reconstructive surgery to repair severe lacerations to her face and extremities.

Security cameras placed along the alley, footage from the body-worn cameras (BWC) of Umutyanyan, Moncayo, and Baskaron,⁸ and from the dashboard camera (DBC) of Baskaron's patrol vehicle confirm the sequence of events described by the witnesses.⁹ Once Baskaron stops his patrol car facing northbound on Mentone Avenue, Murphy and Umutyanyan come into view of the DBC, with their backs to the patrol vehicle. Murphy steps off the curb, into the middle of Mentone Avenue, and backs up as Harrison suddenly appears,¹⁰ making a beeline from the curb into the street towards Murphy. Umutyanyan moves to the right of Murphy; both have their duty weapons drawn. Murphy and Umutyanyan yell, "Drop the knife!" as Harrison advances towards Murphy. Baskaron simultaneously exits his police vehicle with his duty weapon drawn, yelling, "Shoot him!" Harrison rapidly closes the distance between him and Murphy as several shots

⁸ Murphy activated his BWC immediately after the OIS.

⁹ The timestamps of the security cameras are very close in time to the timestamps on the BWC and dashboard camera video footage. It is not possible to determine the precise difference between the timestamps, but the entire sequence from Sam S. encountering Harrison's sister in the alley to the OIS occurs between approximately 1:47 and 1:52 p.m.

¹⁰ Based on the video footage and witness statements, it can be inferred that Harrison left the alley and went around the block while his sister sought refuge in the house on Mentone Avenue, before coming southbound from the area of Braddock Drive and Mentone Avenue, towards the responding police vehicles.

ring out. Harrison takes two more steps towards Murphy while the final shots are heard, and then drops to the ground. As Harrison drops, he releases the cleaver from his hand, which clatters to the ground, landing in the street, a few more feet towards the opposite curb. Murphy, Umutyan, Moncayo, and Baskaron gather, radio that an OIS has occurred, call for paramedics, and begin to render aid to Harrison.



Figure 4: Baskaron's DBC view of Harrison (outlined in red) charging toward Murphy.



Figure 5: Baskaron's DBC view of Harrison (outlined in red) charging toward Murphy (left) and Umutyan (right).



Figure 6: Baskaron's DBC view of Harrison (outlined in red) charging toward Murphy (left) and Umutyan (right).

LEGAL ANALYSIS

California law permits any person, including police officers, 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 § 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.

A police officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, prevent escape, or overcome resistance. Penal Code section 835a. An officer “may use all the force that appears to him to be necessary to overcome all resistance, even to the taking of life; [an officer is justified in taking a life if] the resistance [is] such as appears to the officer likely to inflict great bodily injury upon himself or those acting with him.” People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146. A killing of a suspect by a law enforcement officer is lawful if it was: (1) committed while performing a legal duty; (2) the killing was necessary to accomplish that duty; and (3) the officer had probable cause to believe that (a) the decedent posed a threat of serious physical harm to the officer or others, or (b) that the decedent had committed a forcible and atrocious crime. CALCRIM No. 507, Penal Code section 196.

California law permits the use of deadly force by police officers when necessary to effect the arrest of a person who has committed a forcible and atrocious felony which threatens death or serious bodily harm. People v. Ceballos (1974) 12 Cal.3d 470, 477-484; Kortum v. Alkire

(1977) 69 Cal.App.3d 325, 333; Tennessee v. Garner (1985) 105 S.Ct. 1694. Mayhem is an inherently dangerous, forcible, and atrocious felony. Ceballos, *supra*, 12 Cal.3d at 479.

An officer has “probable cause” in this context when he knows facts which would “persuade someone of reasonable caution that the other person is going to cause serious physical harm to another.” CALCRIM No. 507. When acting under Penal Code section 196, the officer may use only so much force as a reasonable person would find necessary under the circumstances. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1147. And he may only resort to deadly force when the resistance of the person being taken into custody “appears to the officer likely to inflict great bodily injury on himself or those acting with him.” *Id.* at 1146; *quoting* People v. Bond (1910) 13 Cal.App. 175, 189-190. The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. CALCRIM Nos. 505, 507.

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 Nos. 505, 3470. Actual danger is not necessary to justify the use of deadly force in self-defense; if the person’s beliefs were reasonable, the danger does not need to have actually existed. CALCRIM Nos. 505, 3470. The prosecution has the burden of proving beyond a reasonable doubt that the killer did not act in self-defense. *Id.*

In evaluating whether a police officer’s use of deadly force was reasonable in a specific situation, it is helpful to draw guidance from the objective standard of reasonableness adopted in civil actions alleging Fourth Amendment violations. “The ‘reasonableness’ of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with 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.

The evidence examined in this investigation shows that officers responded to a call indicating a man had attacked a woman with a knife. En route to the call, officers learned that Harrison had inflicted significant injuries on his sister and was still chasing her, had removed his pants and shoes, and was still armed with a cleaver. Murphy, Umutyan, and Baskaron arrived and saw Harrison was holding the blade in his hand as he ran off the sidewalk and into the middle of the street, directly towards Murphy. Murphy perceived that Harrison was looking straight at or “through” him. Umutyan feared that Harrison was sprinting on a path to “slash” Murphy. Multiple officers gave repeated commands to Harrison to drop the knife. Harrison ignored the commands and advanced to within ten to 15 feet of Murphy. Reasonably in fear for his life, Murphy fired his weapon at Harrison. Likewise, Umutyan reasonably feared that Harrison posed an imminent threat to Murphy’s life and he fired his weapon. Security camera video, body worn camera, and dashboard camera footage corroborates these observations.

CONCLUSION

We conclude that Sergeant Terry Murphy used lawful and reasonable force in self-defense, and Officer Mark Umutyan used lawful and reasonable force in defense of another. We are closing our file and will take no further action in this matter.