

Fatal Officer Involved Shooting of Hector Macias
Los Angeles Police Department

Officer Anthony Lopez, #43894
Officer Colt Worley, #43671

J.S.I.D. File #23-0145



GEORGE GASCÓN

District Attorney

Justice System Integrity Division

July 23, 2024

MEMORANDUM

TO: CAPTAIN OMAR BAZULTO
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: Fatal Officer Involved Shooting of Hector Macias
J.S.I.D. File #23-0145
F.I.D. File #F018-23

DATE: July 23, 2024

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 5, 2023, fatal shooting of Hector Macias by Los Angeles Police Department (LAPD) Officers Colt Worley and Anthony Lopez. We conclude the officers acted in lawful self-defense at the time they fired their weapons, reasonably believing, based on a totality of the circumstances, that deadly force was necessary to defend against an imminent deadly threat.

The District Attorney's Command Center was notified of this shooting on May 5, 2023, at approximately 2:11 a.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through by LAPD personnel.

The following analysis is based on body worn video (BWV), photographs, and reports. The involved officers did not provide voluntary statements, and no compelled statements were considered. These materials were submitted to this office by the LAPD Force Investigation Division on April 18, 2024.

INTRODUCTION

On May 5, 2023, at approximately 12:45 a.m., Southeast Patrol Officers Worley, driver, and Lopez, passenger, were in uniform and driving a marked patrol car when they contacted Macias and a woman standing in a gas station parking lot.¹ Macias wore a dark satchel bag strapped across his torso. According to surveillance footage, after a brief conversation with officers, Macias and the woman quickly entered a white Mercedes sedan, driven by a third person, and fled from the officers at high speed.

¹ The officers were not responding to a call for service, and the available evidence, which excludes the officers' compelled statements, does not disclose why the officers contacted Macias.

Worley and Lopez activated their overhead lights and sirens and pursued the Mercedes several miles on the northbound 110 Freeway. Lopez radioed that they were in pursuit of a “415 man with a gun.”² The Mercedes exited near the 10 Freeway interchange and abruptly stopped in the roadway. Macias ran from the Mercedes, scaled a metal fence, and attempted to evade on foot. Worley and Lopez stopped their car and ran after Macias. The Mercedes drove away.

Moments later, according to BWV footage, Worley and Lopez caught up with Macias, who was now lying on his back trying to reach into his satchel, which was strapped across his chest. Worley stood over Macias and grabbed onto the satchel. Macias drew a pistol from the satchel but dropped it as Worley wrestled with him. With the pistol within reach, Macias rolled onto his stomach, ignored officer commands to surrender, and grabbed the pistol with both hands, prompting Worley to rapidly fire five rounds and Lopez seven rounds, striking Macias 11 times at close range. Macias was transported to the hospital and succumbed to his injuries at 1:15 a.m.

FACTUAL ANALYSIS

Gas Station Surveillance

Gas station surveillance footage with no sound was recovered by investigators and depicts Worley and Lopez initially contact Macias in a gas station parking lot in south Los Angeles before Macias enters the passenger seat of a white Mercedes sedan, and it flees from the officers at high speed.

In the footage, a white Mercedes sedan drives into the gas station parking lot. Macias and a woman exit the passenger side of the car. A third person, the driver, remains inside. Strapped across Macias’ torso is a dark colored satchel bag. Macias and the woman appear to withdraw money from an outdoor ATM as a marked LAPD patrol car enters the gas station parking lot.

Walking back to the Mercedes, Macias stops and appears to talk to Worley, seated in the patrol car driver seat. Macias holds a cell phone and raises it up as if to show Worley. Macias slides the satchel from his back to his stomach and, facing Worley, removes a dark colored apparent clothing item and holds it up to show Worley. Macias returns the item to the satchel. He rummages in the satchel for a few seconds then zips it shut. No firearm is visible in the footage. Worley illuminates Macias with a flashlight. Macias turns away from Worley. Macias and the woman enter the passenger side of the Mercedes. Worley and Lopez exit their patrol car but quickly reenter it as the Mercedes begins to drive away. The officers activate their car’s overhead lights and pursue the Mercedes out of the gas station.

² The available evidence, which excludes the officers’ compelled statements, does not disclose why the officers believed Macias had a gun.



Figure 1: Macias holds up apparent clothing item.

BWV and Dash Cam

According to BWV and Dash Cam footage, the officers pursue the Mercedes at high speed for several miles northbound on the 110 Freeway. Moments into the pursuit, Lopez radios that they are in pursuit of a “415 man with a gun.” The pursuit ends when the Mercedes exits the freeway in Downtown LA, near the 10 Freeway interchange, and abruptly stops in the middle of the roadway.

Macias runs from the passenger side of the Mercedes and scales a tall metal fence nearby. As Macias climbs the fence, the officers exit their car and shout threats that they will shoot if Macias does not surrender. Macias ignores the officers, climbs over the fence, and runs into a parking lot on the other side. The Mercedes drives away without further pursuit.

The officers scale the fence and, first Worley then Lopez, catch up to Macias after Macias apparently falls to the ground. Macias lies on his back and frantically attempts to open his satchel, which is strapped across his chest. Worley stands over Macias and grabs onto the satchel. Macias draws a pistol from the satchel and raises it toward Lopez, standing a few feet away. Macias drops the pistol as he continues to struggle with Worley, who is grabbing Macias around the torso area. Throughout, the officers command Macias to surrender.



Figure 2: Worley BWV still; Worley catches Macias, who lies on his back and attempts to open the satchel strapped across his chest.



Figure 3: Lopez BWV still; Worley grabs satchel as Macias tries to draw pistol.



Figure 4: Macias draws pistol from satchel.

Seeing the gun, both officers step away from Macias and point their pistols at him. Macias rolls into a prone position, within reach of his pistol. Officers yell several warnings that they will shoot if Macias reaches for the gun. After several seconds, Macias yells, “I don’t care!” and ignoring their commands, quickly and suddenly grabs the pistol with both hands and pulls it toward his torso. Both officers fire several rapid shots at Macias, who, lying prone, grows still, clutching the pistol under his chest.



Figure 5: Macias reaches for pistol.



Figure 6: Macias grabs pistol and pulls it toward his chest as officers open fire.

Physical Evidence



Figure 7: Macias' firearm.

Investigators recovered Macias' pistol at the scene—an operable .45 caliber semiautomatic loaded with one round in the chamber and five rounds in an inserted magazine.

Both officers were armed with department authorized 9mm pistols. Based on BWV, the number, type, and location of casings recovered at the scene, and post incident examinations of the officers' weapons, Worley fired five rounds during the incident and Lopez fired seven rounds.

Autopsy

At 12:59 a.m., fire department personnel arrived at the scene, provided medical aid to Macias, and transported him to the hospital. At 1:15 a.m., hospital personnel pronounced Macias deceased.

On May 5, 2023, Dr. Lawrence Nguyen, from the Los Angeles County Medical Examiners Office, conducted a post-mortem examination of Macias' remains and ascribed the cause of death to multiple gunshot wounds. Macias suffered 11 gunshot wounds, including multiple fatal shots to the back and chest. Toxicology testing revealed the presence of methamphetamine and marijuana in Macias' 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

Although no gun is seen in the gas station footage, the officers apparently believed that Macias possessed a gun because during the car chase Lopez radioed that they were in pursuit of a *415 man with a gun*. The available evidence discloses neither the basis of that belief nor the officers' reason for initially contacting Macias.

According to BWV, after Macias ran from the Mercedes, at the conclusion of the pursuit, the officers found him lying on his back, frantically trying to open and reach into his satchel. Despite Worley grabbing onto the satchel and wrestling with Macias, Macias was able to draw the pistol, raise it, and nearly point it at Lopez before Worley's efforts seemed to cause Macias to drop the pistol.

A short standoff ensued: Macias lay prone, facing the pistol, which was within his reach; officers repeatedly ordered Macias not to reach for it and warned they would shoot him. Macias yelled, "I don't care!" and grabbed the pistol with both hands. Macias was able to pull the pistol back to his body before both officers reacted and fired several shots at Macias, rendering him motionless but still clutching the pistol.

Considering the totality of the circumstances known to the officers at the time, including those leading up to the incident, it was reasonable for them to believe that deadly force was necessary to defend against an imminent deadly threat when Macias drew a pistol from his satchel, dropped it, and ignoring commands, grabbed the pistol with both hands.

CONCLUSION

For the foregoing reasons, we find that Officers Worley and Lopez acted lawfully in self-defense when they used deadly force against Hector Macias.