

**Fatal Officer Involved Shooting of Mark Jones  
California Highway Patrol**

**Officer Candelario Salais, #22059**

**Officer Jordan Girard, #22253**

**J.S.I.D. File #20-0145**



**GEORGE GASCÓN**

**District Attorney**

**Justice System Integrity Division**

**September 26, 2022**

## MEMORANDUM

TO: CHIEF CHRIS MARGARIS  
California Highway Patrol  
Southern Division  
411 N. Central Avenue, Suite 410  
Glendale, California 91203

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

SUBJECT: Fatal Officer Involved Shooting of Mark Jones  
J.S.I.D. File #20-0145  
C.H.P. File #MCU-0004-509-20

DATE: September 26, 2022

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 4, 2020, fatal shooting of Mark Jones by California Highway Patrol (CHP) Officers Candelario Salais and Jordan Girard. It is our conclusion that the officers acted in self-defense and lawful defense of others.

The District Attorney's Command Center was notified of the shooting on May 4, 2020, at 11:43 p.m. The District Attorney Response Team responded and was given a briefing and walk-through of the scene.

The following analysis is based on investigative reports, recorded interviews, video from the patrol vehicle's Mobile Video Audio Recording System (MVARs), cellphone video, dispatch recordings and logs, crime scene photographs and the coroner's report submitted to this office by CHP Investigator Steve Esquivel, Southern Division, Investigative Services Unit. Officers Salais and Girard provided voluntary statements which were considered as part of this analysis. The officers were not equipped with body worn cameras.

### **FACTUAL ANALYSIS<sup>1</sup>**

On May 4, 2020, CHP Officers Candelario Salais and Jordan Girard were partnered together and working a California Department of Transportation (Caltrans) detail. The officers were tasked with assisting the partial closure of the eastbound lanes of the 60 freeway to protect construction

---

<sup>1</sup> The entire incident was captured on video obtained from the MVARs and cellphone videos recorded by Jones and ██████████, a motorist stopped behind the patrol vehicle. Unless otherwise noted, the photographs included in the factual analysis are from the patrol vehicle's MVARs.

workers operating between the center dividers. Girard was driving a marked black and white patrol unit, and Salais was seated in the front passenger seat.

Girard conducted a traffic break of the eastbound lanes allowing Caltrans workers to place reflective traffic cones on the freeway, closing the number one and two lanes. Motorists were allowed to proceed in the three, four and five lanes of traffic. Girard maneuvered the patrol vehicle into the closed traffic lanes and followed the Caltrans' vehicle dropping cones. The patrol vehicle's rear amber directional lights were activated, directing motorists to keep to the right.

Girard and Salais observed a bluish-gray Nissan driving behind them inside the closed traffic lanes. The Nissan closed the distance to the patrol vehicle then swerved to the right into the number three lane. Girard merged the patrol vehicle behind the Nissan and activated the overhead lights, initiating a traffic stop.<sup>2</sup>

Salais directed the driver, later identified as Mark Jones, over the public address system to move to the right and exit the freeway at Paramount Boulevard. Jones remained in the number three lane, driving slowly and ignoring Salais' repeated instructions to exit the freeway. Jones then merged into the number four lane before sharply veering back and forth between multiple lanes in a serpentine-type manner. Jones eventually stopped his vehicle straddling the number one and two lanes, west of Paramount Boulevard in the City of Monterey Park.



The position of the Nissan after it came to a stop in front of the patrol vehicle.

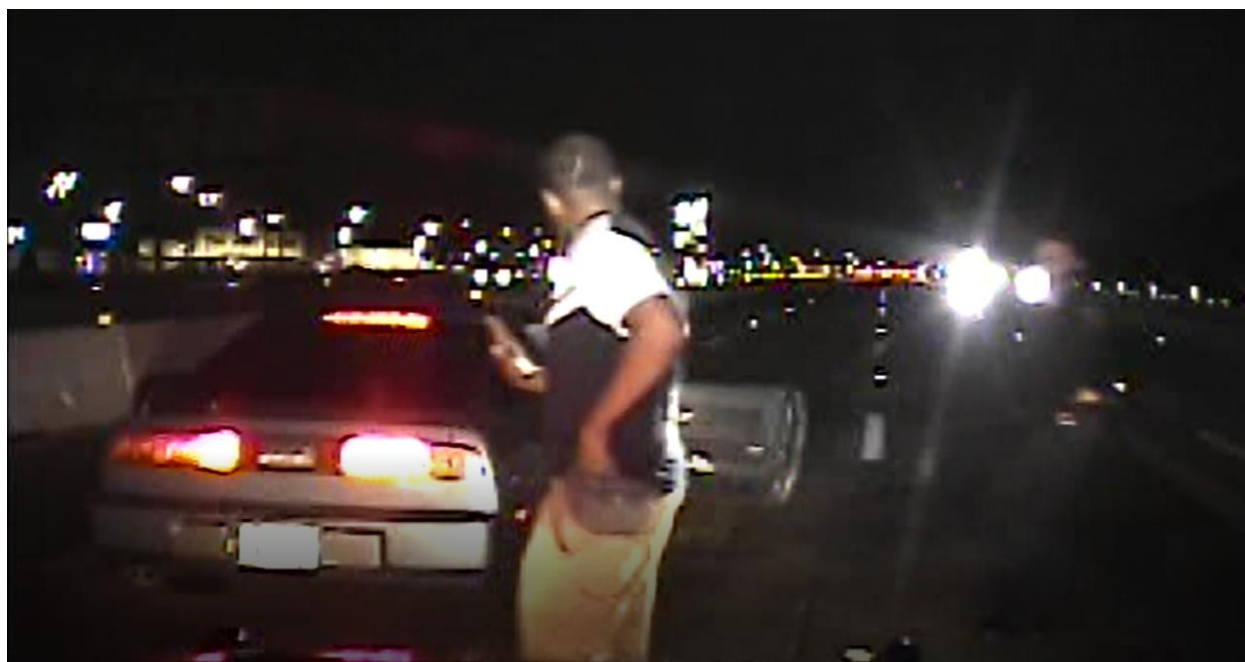
Salais and Girard immediately exited the patrol vehicle. Jones then exited the Nissan and faced the officers holding a cellphone in his left hand. Jones walked toward the officers and asked, "How can I help you?" and "Tell me what you need." Salais and Girard repeatedly ordered

---

<sup>2</sup> The patrol vehicle's MVARs was activated at this time.

Jones to get back in his car. Jones replied, "For what?" Girard told him that he needed to exit the freeway. Jones refused.

Salais walked to the passenger side of the Nissan. Jones went toward the driver door, followed by Girard. Jones stated, "Don't touch me. Don't touch my vehicle." Salais leaned into the open front passenger window and attempted to remove the vehicle's keys. At the same time, Jones began to enter the open driver door. Girard grabbed Jones' arm to stop him. Jones spun away from Girard and walked to the driver's side of the patrol vehicle telling Girard not to touch him. Meanwhile, Salais opened the front passenger door and turned off the Nissan's engine. Jones walked toward Salais and placed his left hand next to a fanny pack on his left hip. Salais exited the Nissan, activated his Taser and pointed it at Jones. Girard and Salais ordered Jones to stop reaching as they retreated to the driver and passenger sides of the patrol vehicle. Salais observed a red, samurai sword on the front passenger seat while he was attempting to retrieve the keys.



Jones reaching toward his left hip and fanny pack.

Jones walked toward Salais on the passenger side of the patrol vehicle and asked Salais what he planted in his car. Salais ordered Jones to stop approaching him multiple times. Jones then walked to Girard on the driver's side of the patrol vehicle. It appeared that Jones started to record the encounter with his cellphone. Jones stated, "You opened that door without my permission." Salais followed Jones to the driver side of the patrol vehicle with the Taser pointed at him. At that time, Girard requested additional units to respond to their location.

Jones walked to the passenger door of the Nissan and closed the open door. Jones then reached into the open window toward the sword. Salais told Jones, "Do not grab that! I will tase you! I will tase you!" Jones removed his hand from inside the Nissan.

Jones told Salais, "You're not even a cop. So why are you trying to pull me over?" Salais replied, "I'm a Highway Patrol officer." Jones stated, "You just touched my property. I have a

right to defend my property. I can use a firearm to defend my property.” Jones then lifted his shirt above his fanny pack and placed his thumb along his waistband with his fingers pointed down toward the ground.<sup>3</sup> Girard and Salais again ordered Jones to stop reaching. Salais also threatened to tase him. Jones argued with the officers for five seconds before removing his hand from his hip.



Jones' second reach toward his left hip.

Jones walked toward the Nissan's driver door and said, "I'm leaving." Salais told Jones he had the vehicle's keys. Jones demanded the keys.<sup>4</sup> While Jones was on the Nissan's driver side, Salais reached into the front passenger window and removed the sword. Jones leaned into the driver door and attempted to stop Salais. Jones yelled, "He's stealing! He's stealing!" Jones then reached his right hand across his body to his left hip and removed a silver handgun.

---

<sup>3</sup> Salais described Jones' hand position as similar to "indexing a firearm." "Indexing a firearm" refers to the placement of the index finger along the frame of a firearm while holding the weapon.

<sup>4</sup> Salais did not have the Nissan's keys, but hoped the ruse would deter Jones from entering the vehicle.



Jones reaching his right arm to his left hip area. Salais pointing the Taser with the sword in his left hand.

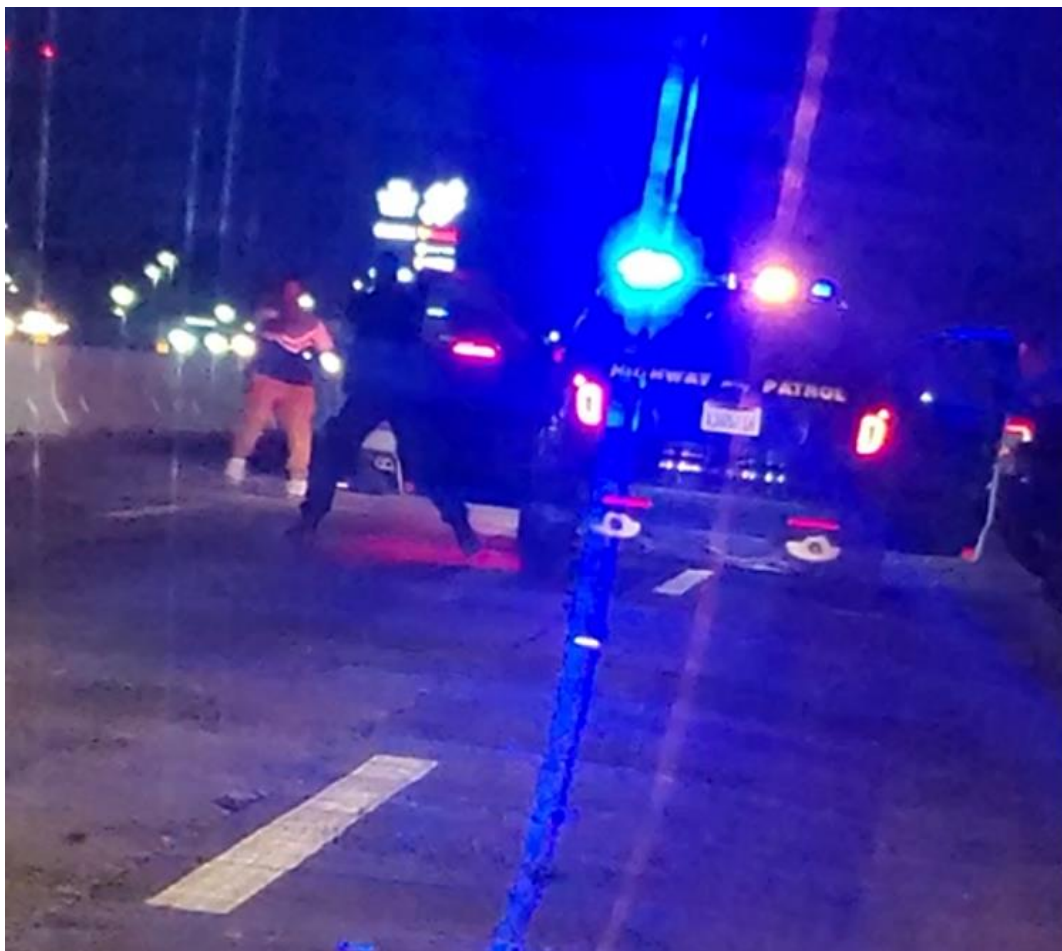


Jones holding the silver handgun in his right hand and the cellphone in his left hand.



View of the gun in Jones' right hand captured on [REDACTED]'s cellphone video.

Salais immediately ran for cover on the passenger side of the patrol vehicle yelling, "Oh shit!" Salais dropped the sword and Taser and drew his service weapon. Simultaneously, Jones raised his right arm and pointed the firearm at the retreating Salais. Jones then sprinted toward Girard on the driver's side of the patrol vehicle. Girard drew her service weapon and pointed it toward Jones as Jones pointed his gun toward Girard. Girard fired two rounds at Jones.



View of Jones and Girard pointing their weapons at each other captured on [REDACTED]'s cellphone video.

Jones crouched down and ran toward the front of the patrol vehicle as Girard fired. At the same time, Salais having seen Jones point his gun at Girard, fired multiple rounds at Jones fearing for Girard's life. Jones then turned his gun toward Salais, as Salais continued firing his weapon at Jones. Jones fell to the ground to the rear passenger side of the Nissan. Jones landed on his left side with his back facing the officers.

As Jones fell, he dropped the gun. Salais and Girard stated that the gun landed between the Nissan's rear license plate and rear tire. Salais estimated that the weapon was within one to two feet from Jones.<sup>5</sup>

---

<sup>5</sup> The front of the patrol vehicle blocked the MVARs' view of the gun lying on the roadway.



Jones crouched down with the gun as he walks toward Salais on the right side of the patrol vehicle.



The gun falling from Jones' hand as he went to the ground.

Girard and Salais stood behind the front doors of the patrol vehicle and repeatedly ordered Jones not to move and to stay on the ground. Approximately 42 seconds later, Jones raised his upper body from the ground. The officers continued to order Jones to stay on the ground and not to reach for the gun. Jones moved into a seated position.



Jones in a seated position with his cellphone pointed toward the officers.

Jones looked toward the gun lying behind him on the ground then leaned his body toward the weapon. Jones extended his left hand toward the firearm and rolled his body toward the gun. Stating that they were in fear for their lives, Salais and Girard fired their service weapons at Jones to stop him from gaining possession of the weapon. Salais stated he feared Jones would kill him and Girard, as well as endanger the motorists stopped behind them, if he rearmed himself. Girard also feared that Jones would shoot them if he got to the gun.<sup>6</sup>



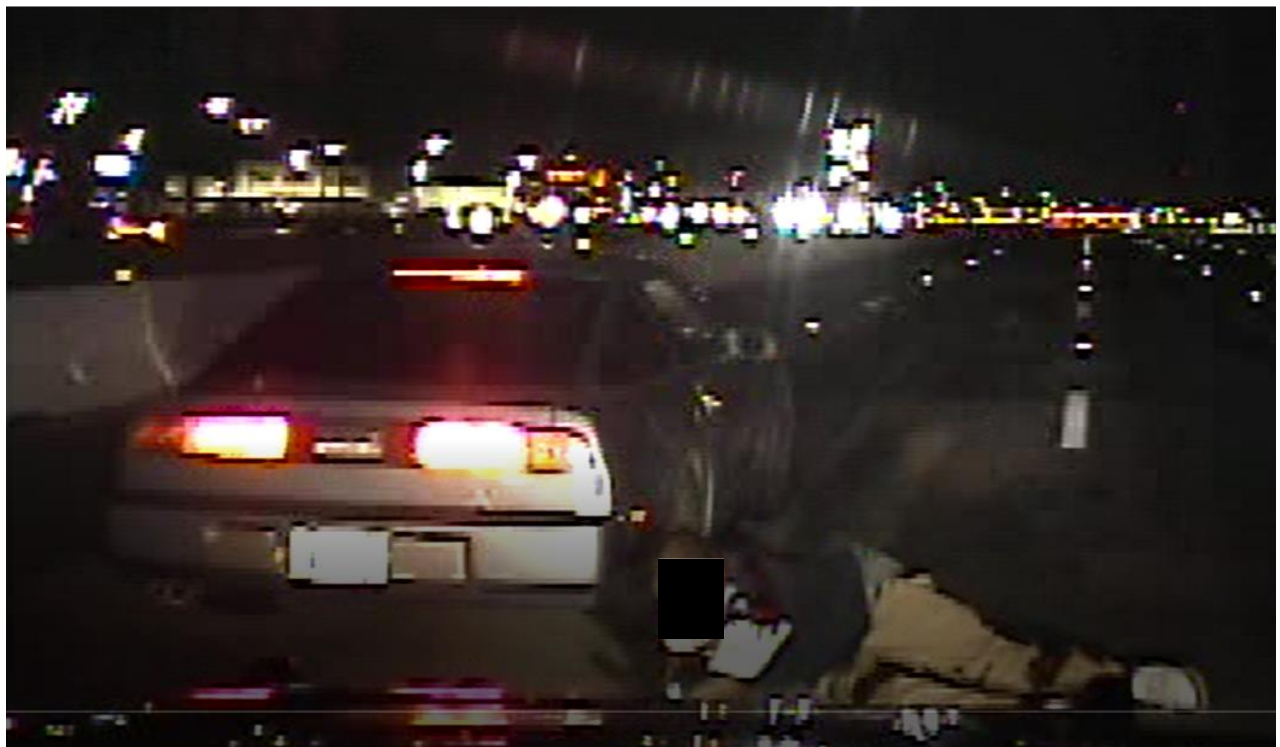
Jones looking behind him toward the gun.

---

<sup>6</sup> Approximately four minutes elapsed from the time the Nissan stopped on the freeway until the incident ended after the second volley of gunfire.



Jones beginning to reach his left arm toward the gun while rolling his body toward the weapon.



Jones grabbing for the firearm as Salais and Girard begin firing.

Girard and Salais maintained cover on Jones until backup arrived and assisted taking Jones into custody.<sup>7</sup> Officers immediately began cardiopulmonary resuscitation until personnel from the Montebello Fire Department arrived to render aid. Jones was declared deceased at the scene.

Salais conducted a tactical reload of his service weapon between the first and second shootings. An examination of the ejected magazine and Salais' service weapon determined that he fired 13 rounds. An examination of Girard's service weapon determined that she fired four rounds.

#### Statement of [REDACTED]

[REDACTED] was driving a semi-truck on the eastbound 60 freeway when CHP officers conducted the traffic stop of the Nissan in front of him. [REDACTED] came to a stop in the number four lane of traffic. He saw Jones exit his vehicle and appear to point something at the officers. The officers drew their service weapons in response. Jones went around his vehicle several times while the officers gave him commands. Jones ignored the officers and reached into his vehicle and retrieved something. Jones then charged the officers. The officers fired their weapons at Jones as he charged them. [REDACTED] heard two volleys of gunfire.

#### Statement of [REDACTED].

[REDACTED] was working on the 60 freeway Caltrans project. [REDACTED] was in the center divider when he observed Jones' vehicle enter the closed construction lanes on the eastbound side of the freeway. The officers conducted a traffic stop. Jones exited his vehicle and crouched down while walking toward the front of his car. The officers yelled at Jones to get down. Jones ignored the commands and charged the officers at which time the officers opened fire at Jones.

#### Statement of [REDACTED]

[REDACTED]'s vehicle stopped directly behind the patrol vehicle during the traffic stop. Girard, Salais and Jones exited their vehicles. Jones walked toward Girard who had her service weapon drawn. Jones then walked to the Nissan and grabbed an unknown item from the car. Girard retreated. Salais was armed with a Taser as Jones and the officers continuously moved around the vehicles. Jones approached the officers multiple times. At some point after Jones retrieved the object from the car, Jacqueline heard two volleys of gunshots, but could not see which officer fired.

#### Recovered Firearm and Sword

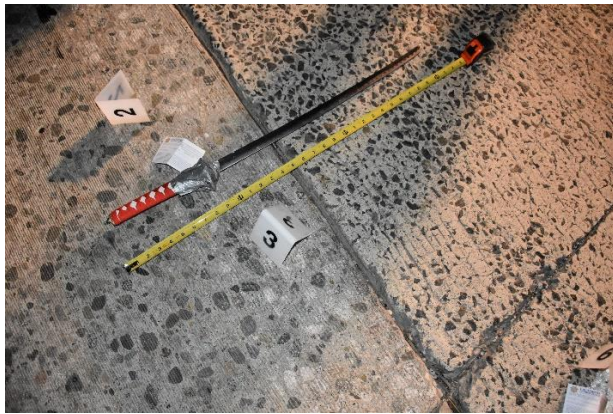
Jones was armed with a Phoenix Arms, model HP22A, .22 caliber semiautomatic handgun, chambered for .22 long rifle cartridges. There was one round in the chamber and eight rounds in the magazine. In addition, 42 .22 long rifle cartridges were recovered from Jones' fanny pack. The firearm was registered to Jones.

---

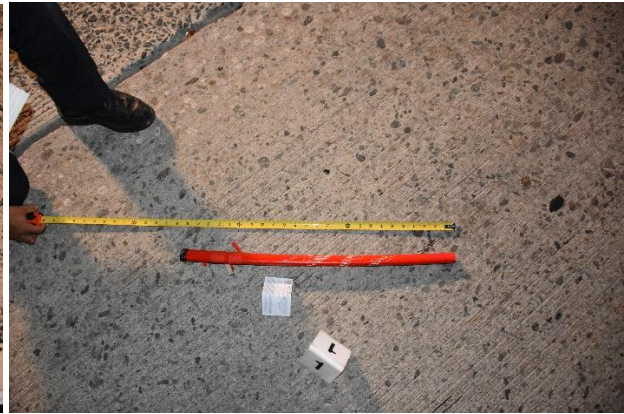
<sup>7</sup> The MVARs recording appears to capture CHP Officer David Solorio kicking the firearm away from Jones as he approached to take him into custody. CHP Officer Mark Garcia indicated that he retrieved the weapon approximately five feet from Jones and placed it into Girard and Salais' patrol vehicle where it was recovered.



Recovered firearm, magazine and nine rifle cartridges.



Sword



Scabbard

### Autopsy Report

Los Angeles County Deputy Medical Examiner Julie Huss-Bawab, M.D., performed a postmortem examination of Jones on May 7, 2020, and ascribed his death to multiple gunshot wounds. Jones sustained eight gunshot wounds which appeared consistent with the relative positions of Jones, Salais and Girard observed on the videos throughout the shooting.

### **LEGAL ANALYSIS**

A peace officer is justified in using deadly force upon another 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; 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) and (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 section 835a(e)(2).

The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable peace officer under the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight. The totality of the circumstances shall account for occasions when an officer may be forced to make quick decisions about using force. Penal Code section 835a(a)(4).

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.

In determining whether the use of deadly force is necessary, officers shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer. Penal Code section 835a(a)(2).

“Totality of the circumstances means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of force.” Penal Code section 835a(e)(3).

The prosecution has the burden of proving beyond a reasonable doubt that a killing was not justified. Penal Code section 189.5; *People v. Banks* (1976) 67 Cal.App.3d 379, 383-384.

## **CONCLUSION**

The evidence examined shows that Jones was stopped by Salais and Girard after driving into a construction zone on the 60 freeway. Jones immediately exited his vehicle and ignored multiple orders given by the officers. During the encounter, Jones armed himself with a loaded semiautomatic firearm, charged Girard and Salais and pointed the gun at the officers. In reasonable fear for their lives, and their partner’s lives, Girard and Salais responded with deadly force. Jones dropped the gun on the roadway after falling to the ground.

Jones ignored repeated commands to stay on the ground and to not reach for the weapon. Jones reached for the gun. It was reasonable for Salais and Girard to fear that Jones would shoot and kill them, as well as endanger the motorists stopped behind them, if he regained possession of the firearm. Girard and Salais fired their service weapons to stop Jones. The totality of circumstances in this case shows that the use of deadly force was necessary to defend Girard and

Salais, and the motorists on the freeway, from the imminent danger of serious bodily injury or death posed by Jones.