



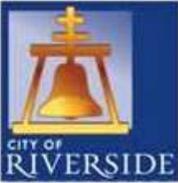
**INDEPENDENT REPORT REGARDING AN
OFFICER INVOLVED SHOOTING INCIDENT
INVOLVING AN OFFICER OF THE
CITY OF RIVERSIDE POLICE DEPARTMENT,
RESULTING IN THE DEATH OF
MR. JOSEPH THOMAS TRACY IV.**

Submitted by: William E Marsh, CPRC Investigator
Marsh Investigations and Consulting, Long Beach, CA 90808



NOTE: This law enforcement officer involved shooting incident involved multiple law enforcement officers (LEO's) from various agencies within the County of Riverside. The law enforcement officers were assigned members of the Riverside County District Attorney's Office Gang Investigation Team (GIT).

This report focuses on the City of Riverside Police Department Detective Richard Kerr's involvement in this incident.



This incident has the distinction of being the first Officer Involved Death Investigation, involving a member of the City of Riverside Police Department which falls under the purview, and independent investigation, by the State of California, Department of Justice (DOJ) pursuant to the provisions of California Assembly Bill 1506 (AB1506), signed into law on September 30, 2020 and into effect July 1, 2021.



AB 1506 provides the DOJ with an important tool to directly help build and maintain trust between law enforcement and the communities they serve by creating a mandate for an independent, statewide prosecutor, moving forward, to investigate and review officer-involved shootings of unarmed civilians across California. DOJ will investigate and review for potential criminal liability all such incidents covered under AB 1506. Section 12525.3 of the California Government Code was added to reflect the provisions of AB1506.



GANG IMPACT TEAM



The County of Riverside Gang Impact Team (GIT) is a multi-agency undercover police unit that specializes in apprehending violent and dangerous suspects, particularly when gang activity and firearms could be involved. This incident involved GIT members (LEO's) from the County of Riverside District Attorney's Office, the Beaumont, Murietta and Hemet Police Departments, the California Highway Patrol, the County of Riverside Sheriff's Office, and Detective Richard Kerr, from the City of Riverside Police Department.



INVESTIGATION OF JOSEPH THOMAS TRACY IV



In early January 2022, a GIT member received information from a confidential informant (CI) regarding Mr. Joseph Thomas Tracy IV. Mr. Tracy was alleged to be involved in the sale of narcotics, specifically large quantities of Fentanyl. The sales activity was occurring in the City of Hemet. Mr. Tracy was purportedly residing, with an underage girlfriend, at the Travelodge Hotel in Hemet. Mr. Tracy was alleged to possess a handgun, was violent and would attempt to flee from law enforcement, if contacted.



**SUBJECT: JOSEPH THOMAS TRACY IV
(DECEASED)
DOB: 08-23-2001**



**DATE/TIME OF INCIDENT :
TUESDAY, JANUARY 18, 2022
AT APPROXIMATELY 2342 HRS.**



**INCIDENT LOCATION:
"TRAVELODGE" 2625 W. FLORIDA AVENUE, HEMET, CA 92545**





INVESTIGATIVE ACTIONS AND RESULTS



GIT Investigators were able to corroborate the information given by the CI and developed additional information.

Mr. Tracy was identified as an individual residing in Room 221 at the Travelodge hotel. An underage female was also residing in the room.

Investigators identified Mr. Tracy's vehicle parked in the Travelodge parking lot. Law Enforcement databases identified Mr. Tracy as actively on felony probation for possession of a controlled substance while in the possession of a firearm. The terms of his probation provided for search of his, "place and person" at any time, by law enforcement personnel. The probation was set to expire in May 2023.

Mr. Tracy's criminal history revealed he had been previously arrested for burglary, felon in possession of firearm, and felon in possession of ammunition.



OPERATIONAL PLAN



With the information developed, GIT members developed a plan to contact Mr. Tracy. Of particular concern was that the plan included assurances relating to the safety of the underage female, and any other person, which may be in Room 221 at the Travelodge Hotel.

The operational plan's focus was designed toward attempts at luring Mr. Tracy from the hotel room, where he would be contacted and detained by GIT members in a safer, controlled manner.



THE INCIDENT



On January 18, 2022 at approximately 2150 hrs., surveillance of the Travelodge location was initiated. GIT members were strategically placed in various locations around the motel. Attempts at rousing Mr. Tracy began.

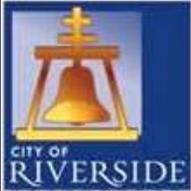


Team members made attempts, by various means, to set off Mr. Tracy's vehicle's alarm. These activities apparently did not alert Mr. Tracy.

Next, Det. Kerr threw a plastic water bottle at the upper rear window of Room 221. This activity had an effect, as a male and a female were seen looking out of the window.

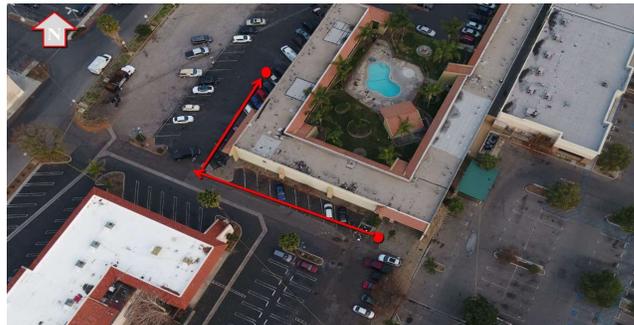
Within moments, a team member provided a positive identification of Mr. Tracy, as Mr. Tracy was seen exiting the door of room 221. All team members were made aware Mr. Tracy had exited the room.





Mr. Tracy was observed exiting the motel's south facing rear exit door. GIT members who were stationed in the area, identified themselves and ordered Mr. Tracy to follow their directions. The commands provided by team members included the shouts of, "*hands, hands, let me see your hands*" and, "*get on the ground.*" Mr. Tracy ignored the commands and began to flee on foot, west bound in the parking lot (*as noted above*).

Mr. Tracy used vehicles as, "cover and concealment" while attempting to flee.



GIT members, armed with 40 mm less than lethal weapons, were strategically placed near the south exit door. As stated, Mr. Tracy was ordered to stop his flight and comply with the orders. Mr. Tracy did not comply.

Four rounds of less than lethal sponge projectiles were fired at Mr. Tracy. The sponges impacted Mr. Tracy. Team members saw Mr. Tracy flinch from the impacts, however Mr. Tracy continued to flee.

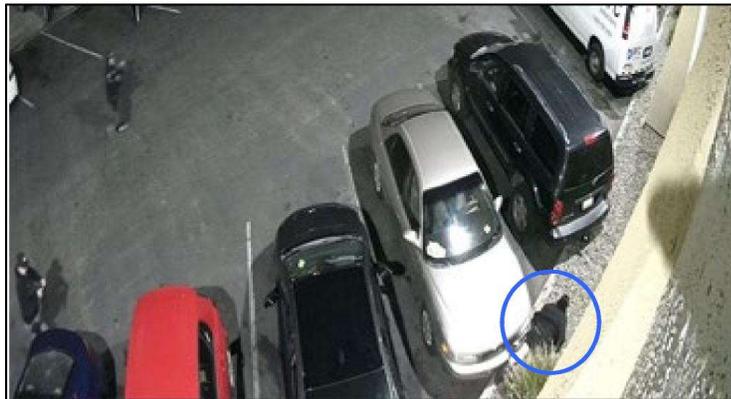


Mr. Tracy ran westbound in the south parking lot, to the northwest corner of the motel building, then northbound in the west parking lot of the motel. Mr. Tracy continued to use parked vehicles as cover and concealment.

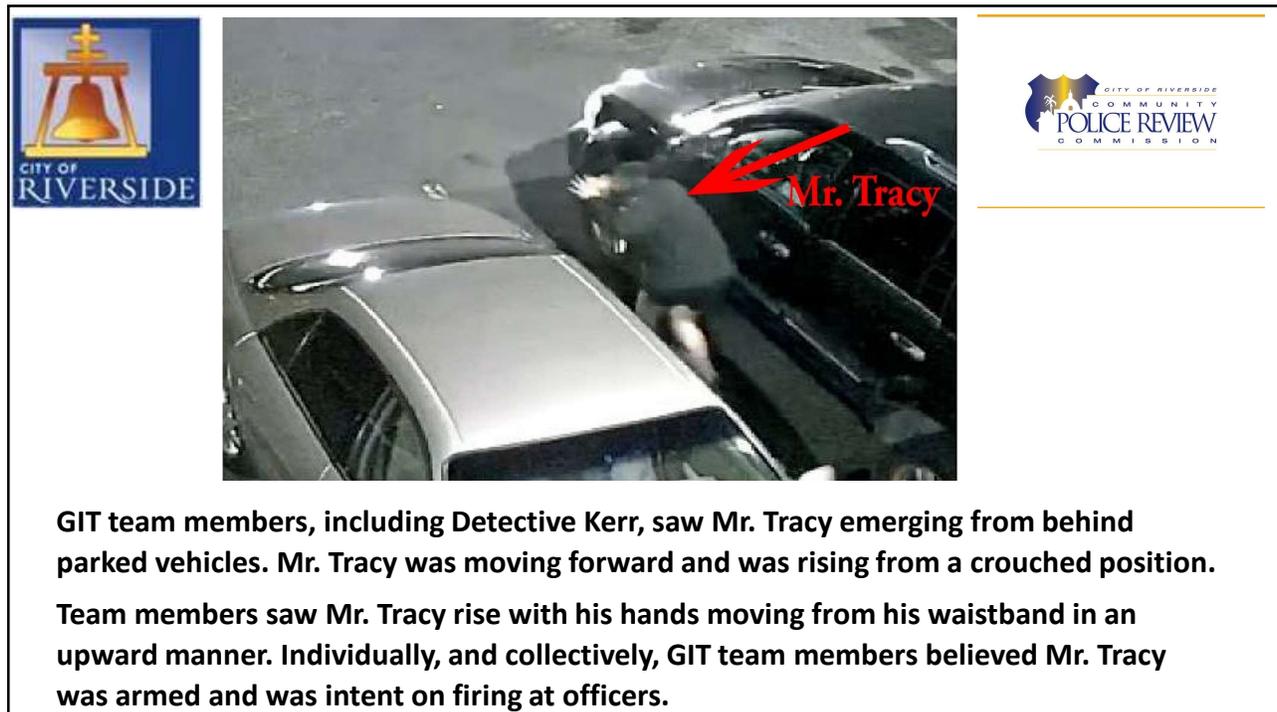
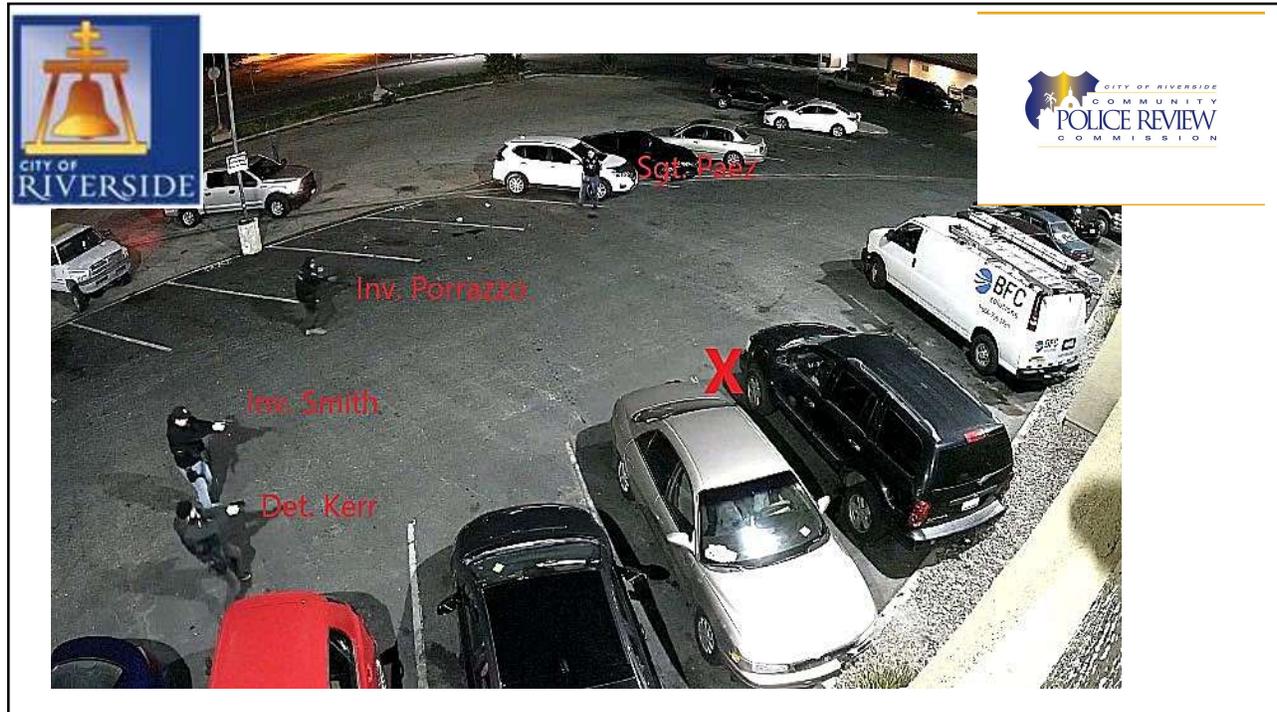
GIT members continued to order Mr. Tracy to stop his flight. He ignored the orders.

In later interviews, GIT members said Mr. Tracy kept his right hand close to his right side during his flight. This activity and behavior caused team members to believe Mr. Tracy was in possession of a handgun.

Mr. Tracy continued his movement. He was observed to continually crouch behind vehicles parked along the building's west facing wall.



GIT team members who observed Mr. Tracy's actions, said they believed Mr. Tracy was armed with a weapon and was attempting to find a location where he would be able to have a position of advantage, where he could ambush/shoot at officers.





At approximately 2341 hrs., the officer involved shooting occurred.

During the course of the crime scene investigation and subsequent forensic ballistics investigation, it was determined 15 rounds were fired by law enforcement officers in this incident. Detective C. Porrazzo (County of Riverside Sheriff's Office) fired six rounds, Deputy J, Smith (County of Riverside Sheriff's Office) fired two rounds, Sergeant A. Paez (Hemet Police Department) fired six rounds and Detective R. Kerr (City of Riverside Police Department) fired one round.

Mr. Tracy, struck by gunfire, fell to the pavement. Mr. Tracy was contacted by GIT members. EMS responded and determined Mr. Tracy was deceased.



A non-serialized handgun was located approximately 22 feet from where Mr. Mr. Tracy's body ultimately came to rest.

The firearm was a loaded, tan Glock P80 styled un-serialized "ghost" handgun.

Later DNA testing identified Mr. Tracy as having contact with the handgun.





On January 19, 2022, at 11:35 AM, a search warrant was executed at Mr. Tracy's hotel room. Hemet PD officers executed the search warrant and located a black holster, glass vials, \$5,500 in cash, cellular phones, several different unknown substances suspected to be narcotics, and a locking safe.



DETECTIVE RICHARD KERR



Exercising his right to do so, Detective Kerr declined to participate in an interview with investigative personnel.

In my examination and review of all documents provided, I did not find any reports documenting an interview with Detective Kerr relating to this incident.

The investigation conducted by the State of California DOJ, detailed in its' report on this incident stated, *"The evidence gathered in this investigation, including the voluntary statements from Detective Porrazzo and Sergeant Paez, are instructive in inferring Detective Kerr's understanding and intent."*



DETECTIVE RICHARD KERR



The DOJ report continues in its' opinion by providing extensive information garnered from interviews of participatory GIT members. The information, and evidence collected, provided the objective belief that Detective Kerr, like others in this incident, possessed a, *"subjective belief in the need to use lethal force to protect himself and other officers from death or serious injury."*

Further, the report stated, *"Thus, Detective Kerr's actions cannot be shown, beyond a reasonable doubt, to be objectively unreasonable."*