

JOSEPH THOMAS TRACY IV – FACT SHEET

RSO Case # MB 220190001

Hemet PD Case # 2022-00362

California Department of Justice – Case #Riverside County AB1506
2022

FACT SHEET

Decedent: Joseph Thomas Tracy IV – M 08/23/2001 20 years

Date Occurred: January 18, 2022

Time of Occurrence: 2230 Hours

Location: Travel Lodge, 2625 W. Florida Avenue, Hemet, CA

Officer(s) Involved: There were four officers involved in the shooting, Only One of the four is a Riverside Police Officer. Your review of this incident is limited to the actions of the City of Riverside officer, Detective Kerr.

RPD Detective Richard Kerr

Outside Agency Officers: Sergeant Art Paez – Hemet Police Department
Detective Chris Porrazzo – RSO
Deputy Joshua Smith – RSO

Officer Witnesses: Riverside District Attorney Investigator Chuck Cervello
Riverside District Attorney Investigator Ryan Monis

Civilian Witnesses: 31 Witnesses – See RSO and Hemet PD Criminal
see casebooks for details. Names were redacted due to privacy.

No witnesses or innocent bystanders were struck by
gunfire or injured in any other way.

Crime Involved: Yes Suspect: Joseph Tracy IV
Victim(s) – Law enforcement officers
Crime: Assault with Deadly Weapon – CPC §245(a)(2)

Officer Injuries: None

Decedent Injury(s)/Cause of Death:

Joseph Tracy's cause of death was due to multiple gunshot wounds. Dr. Fajardo identified 11 gunshot wounds on Mr. Tracy's body. See the Coroner information on page 22 of the Department of Justice report for a detailed description of each gunshot wound.

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Property Damage:

Bullet strikes to parts of the Travel Lodge building walls. Bullet strikes to an unoccupied vehicle parked in the parking lot. See photographs on pages 15-17 in the DOJ report for details.

Gunshots Fired by Joseph Tracy – None.

According to the police reports, while running from officers, Tracy's pants fell to his knees. It appears that when this occurred, his 9mm pistol fell onto the ground. It was found in a flowerbed where Tracy was crouching down. See the photographs on pages 13 and 14 of the DOJ report for details.

Weapons Possessed by Joseph Tracy

1 tan color Polymer 80, 9mm, semi-auto pistol, un-serialized (Ghost Gun) loaded with one live round in the chamber and six live rounds in a PMAG 10 GL magazine that hold a capacity of eight rounds.

1 Pulse taser with grey tape around the lower part of the handgrip. The taser was found in Tracy's left coat pocket.

Gunshots Fired by Officers: 15 Total

RPD Detective Richard Kerr – one round fired. 9mm semi-auto Glock Model 17 pistol

Sergeant Art Paez – six rounds fired. 9mm semi-auto Sig Sauer P320 pistol.

Detective Chris Porrazzo – six rounds. 9mm semi-auto Sig Sauer P320 pistol.

Also armed with a LMT less lethal 40mm sponge round launcher. Porrazzo fired sponge rounds at Tracy with one round fired directly at his center mass that did not deter him from fleeing. Porrazzo saw Tracy's body flinch when struck by the sponge round.

Deputy Joshua Smith – two rounds. 9mm semi-auto
Sig Sauer P320 pistol.

Also armed with a 40mm LMT less lethal launcher with sponge rounds. He fired four sponge rounds at Tracy, striking him each time. The less lethal rounds did not stop Tracy from continuing to flee on foot.

All four officer's weapons were secured as evidence and processedcharted by the Riverside County Sheriff's Department Armory.

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FACT SHEET – CRIMINAL CASEBOOKS

This section of the Fact Sheet is designed to assist you in navigating your way through the numerous reports from three investigative casebooks involving this OID. This incident occurred outside the City of Riverside in Hemet that involved law enforcement officers from several agencies in Riverside County that were assigned to a regional gang task force referred to as the Riverside County District Attorney - Gang Impact Team (RCDA GIT). The officers involved in this shooting were all members of GIT.

There are three agencies that investigated this shooting incident that prepared reports. Since the incident occurred in the City of Hemet, members of the Hemet Police Department conducted part of the investigation, along with the Riverside County Sheriff's Department, and the California State Department of Justice pursuant to California Government Code section 12525.3 enacted through State Assembly Bill 1506 (2019-2020 regular session).

AB1506 mandates that the State Department of Justice will investigate officer involved shootings where it is determined that the individual that was shot was unarmed at the time of the shooting. In this particular case, Mr. Tracy dropped a loaded handgun after he fell to the ground while being pursued on foot by police officers. The officers were unaware that Tracy dropped the gun seconds before the shooting. Since Tracy was not in possession of the gun at the time he was shot, he was classified to meet the criteria established in AB1506 as an unarmed individual.

The Riverside County Sheriff's Department Case # is MB 220190001. There are 33 reports in the Sheriff's Department casebook plus one Press Release document. The reports contain 1-Initial Report and 32 Supplemental reports consisting of 244 total pages. The Hemet Police Department case # is DR 2022-00362 and contains two crime reports and 13-Supplemental Reports for a total of 15 reports with 39-pages. The California Department of Justice report contains 50-pages.

The Riverside Police Department was not involved in the investigation of this incident since it occurred in the City of Hemet. Hemet PD was assisted by the Riverside County Sheriff's Force Investigation Team, as well as the Riverside County Sheriff's Homicide Unit, the Riverside County Office of the District Attorney, and the California Department of Justice, AB1506 Team. The reports in this case investigation were only written by members of the Hemet Police Department, RSO and the State DOJ.

The reports obtained for this case review were provided to the RPD by RSO in order for RPD to conduct their own internal Administrative Investigation that is required protocol. Therefore, RSO did not provide them with BWC videos, surveillance camera videos or photographs.

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The CPRC is limited to reviewing this incident as it pertains to the actions of Detective Kerr through the reports provided to RPD for their Administrative Investigation. The only way for the CPRC to review BWC, surveillance cameras and photographs of the shooting incident, is by filing a Public Records Act request through the Riverside County Sheriff's Department. This will be part of your discussion and deliberation of this case.

The California Department of Justice report was made public record and is posted on the DOJ website. The RPD Internal Affairs Unit used the DOJ report as part of their Administrative Investigation.

In order to help you navigate your review of this incident, I have divided the three agency cases separately, once again pointing out the reports for each agency that are relevant for you to review. As always, you may review all reports in each casebook if you choose to do so. The presentation of the reports should begin with your review of the Department of Justice investigative report, secondly the Hemet Police Department reports and lastly, the RSO reports.

INCIDENT SUMMARY

This Officer Involved Shooting incident involved members of the Riverside County Gang Impact Team, a multiple jurisdictional Riverside County Gang Impact Team (GIT). Team members are cross-sworn with the United States Homeland Security Investigations and the U.S. Marshall's Service. The team conducts narcotics investigations that are typically tied to gang members both domestically and internationally. The team, with the Marshall's Service also locates and apprehends wanted fugitives. The GIT is an "undercover based unit," and generally operates in plainclothes and conducts lengthy surveillance Operations.

The GIT is comprised of the following law enforcement personnel, Riverside PD Detective Richard Kerr, Riverside County Sr. DA Investigator Ryan Monis, RSO Detective Christopher Porrazzo, RSO Deputy Joshua Smith, DA Supervising Investigator Chuck Cervello, DA Sr. Investigator Dean Benjamin, DA Sr. Investigator Gary Cupersmith, DA Supervising Investigator Robert Kwan, Beaumont PD Detective Daniel Lee and Murrieta PD Detective Blake Williams. All GIT members, for the exception of Detective Blake Williams, were at the Travelodge Motel when the shooting incident took place. Detective Blake was monitoring the operation via police radio and responded to the motel after the shooting occurred.

Also involved in the incident by the request of GIT, were three members of Riverside County Region 3 Gang Task Force (GTF). The GTF is a multi-jurisdictional task force that focuses on the proactive establishment of contacts with gang members for the purpose of arresting suspects with firearms and other weapons.

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The following members of GTF responded to the Travelodge Motel in the City of Hemet, to assist GIT with the contact of Joseph Tracy. Hemet PD supervisor, Sergeant Arthur Paez, California Highway Patrol Officer Michael Bell and RSO Deputy Salvadore Waltermire.

In January 2022, Murrieta Police Detective Blake Williams, a sworn member of the multi-jurisdictional Riverside County Gang Impact Team, (GIT), received information from a Confidential Reliable Informant (CRI), who reported that a male subject named Joseph Tracy IV, was selling large amounts of fentanyl and was in possession of a semi-automatic pistol with a high- capacity magazine. The CRI informed Detective Williams that Tracy was residing in room 221 at the Travelodge Motel, 2625 W Florida Avenue, Hemet, CA, along with an underage female. The CRI said that Tracy had been living at the motel with the underage female for approximately 2-months. The CRI had purchased fentanyl from Tracy and saw him in possession of the pistol. The CRI told Williams that Tracy drives a silver color Cadillac SUV. It was suspected that the underage female with Tracy might be a victim of human trafficking.

On January 15, 2022, Detective Williams went to the Travelodge Motel in Hemet and located a silver Cadillac SUV in the parking lot. He conducted a DMV check on the license plate that revealed it was registered to Joseph Tracy. Williams conducted record checks on Tracy through law enforcement databases and located a booking photograph of him. Williams showed the booking photograph to the CRI who positively identified Tracy as the person in the photograph. In addition to obtaining the booking photograph, Williams learned that Tracy was currently on felony probation with search terms subsequent to an arrest for sales of narcotics while armed with a firearm. The probation was valid up through May 12, 2023. In addition, Williams learned that Tracy was out on bail for an arrest on September 22, 2021, for a felon in possession of a firearm, CPC 29800(a)(1) and carrying a concealed loaded firearm, pursuant to CPC 25850(c)(1).

Detective Williams provided the detailed information on Joseph Tracy to Detective Kerr from the Riverside Police Department, another member of GIT. From that point, GIT members elected to develop a plan to conduct a probation search of Tracy's motel room for evidence of narcotics sales and possession of a handgun by a probationer who was out on bail for additional offenses of weapons violations. The GIT members that went to the Travelodge to conduct the probation search on January 18, 2024, included Riverside PD Detective Richard Kerr, Riverside County Sr. DA Investigator Ryan Monis, RSO Detective Christopher Porrazzo, RSO Deputy Joshua Smith, DA Supervising Investigator Chuck Cervello, DA Sr. Investigator Dean Benjamin, DA Sr. Investigator Gary Cupersmith, DA Supervising Investigator Robert Kwan and Beaumont PD Detective Daniel Lee.

On January 18, 2022, GIT members reached out to Sergeant Arthur Paez, a Hemet Police Sergeant, assigned to Region 3 Riverside County Gang Task Force (GTF) to assist in a

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probation search of Tracy's motel room, #221 at the Travelodge. Sergeant Paez agreed to respond and assist with his Team that included RSO Deputy Salvadore Waltermire and CHP Officer Michael Bell.

On January 18, 2024, at approximately 2152 hours, both the GIT and GTF officers began a surveillance at the Travelodge Motel in preparation to make contact with Tracy and to conduct a probation search of his motel room. When the Teams arrived at the Travelodge, they located Tracy's vehicle, a silver Cadillac SRX4 (CA License 8JNB710), parked in the parking lot. The team determined the safest way to contact Tracy was to draw him out of his room and away from other people, to include his juvenile girlfriend, in order to avoid a possible hostage situation. GIT determined they would need additional persons for coverage on the north side of the motel and asked GTF to assist with the perimeter coverage of the motel.

Once the perimeter was set, other members of GIT used several ruses in an attempt to lure Tracy out of his room. They removed a car cover off of Tracy's vehicle and attempted to activate the car alarm however the alarm did not activate. One of the Team members then activated the car alarm on his police unit which did not alert Tracy. Detective Kerr then tossed a water bottle against the window to Tracy's room that actually broke the glass. The officers then noticed a male and female look out the window. When they did so, the officers recognized that male as Tracy.

A short time later, Tracy exited the back gate of the motel. Perimeter GIT members attempted to take Tracy into custody, but he immediately began to run away. Two GIT members, Porrazzo and Smith, were armed with less-lethal impact munitions (40mm) and deployed several rounds as Tracy continued to run. The sponge rounds from the launchers struck Tracy several times however did not deter him from continuing to flee on foot. Tracy ran west through the south parking lot and then traversed northbound through the west parking lot. GIT members who were chasing Tracy believed he was concealing a firearm in his clothing. A short distance later, an officer involved shooting occurred. Medical aid was requested and Tracy was subsequently pronounced deceased.

A tan/desert colored firearm was later located in a flower bed in front of a parked Buick sedan where Tracy had tripped and fallen.

No officers touched the gun, but stood watch until relieved by the Investigations Bureau. Some of the GTF officers and GIT members, along with other responding patrol officers from Hemet PD responded to Tracy's room, where they located the underage female who exited without incident. The room was cleared and secured pending the issuance of a search warrant.

The GIT and GTF personnel involved in the shooting and discharging their firearms were Sergeant Paez, Deputy Smith, Deputy Porrazzo and Detective Kerr.

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Pursuant to the investigation, it was determined that Sergeant Paez fired 6-rounds, Deputy Smith fired two rounds, Detective Porrazzo fired 6-rounds, and Detective Kerr fired one.

After the shooting, investigators from RSO, Hemet PD and the District Attorney's office responded to the scene to conduct an investigation of the shooting. Supervising DA Inv. Cupersmith walked investigators through the scene, careful not to disturb any evidence. Investigation. The California State Department of Justice was later notified on the incident and participated in the investigation process.

CPRC Report Review Process

It is recommended that the CPRC review the case reports in the following order:

- I. **The California State Department of Justice Report.** Read the entire report.
- II. **The Hemet Police Department reports as follows:**
 1. Crime incident report cover sheet. 1-page **Review**
 2. Crime incident report, 8-pages. **Review all 8-pages**
 3. Supplemental Report #1 – 1-page. **No need to review.** Hemet patrol officers responded to the incident and assisted with securing the crime scene with caution tape. No other actions reported.
 4. Supplemental Report #2 – 1-page. **No need to review.** Hemet patrol officers responded to the incident and assisted with securing the crime scene with caution tape. No other actions reported.
 5. Supplemental Report #3 – 1-page. **No need to review.** Hemet patrol officers responded to the scene and assisted with securing the crime scene. The officer transported two of the shooter officers to the Hemet Police Department.
 6. Supplemental Report #4 – 2-pages. **Review both pages.** Hemet watch commander responded to the scene and obtained an initial public safety statement from Sergeant Paez.
 7. Supplemental Report #5 – 1-page. **No need to review.** Hemet patrol officer responded to the scene to assist in securing the crime scene and established a crime scene log.
 8. Supplemental Report #6 – 2-pages. **Review both pages.** CHP GTF Officer Bell written report. He was a non-shooter at the scene.
 9. Supplemental Report #7 – 2-pages. **Review both pages.** GTF member Waltermire written report. He was a non-shooter at the scene.
 10. Supplemental Report #8 – 4-pages. **Review four pages.** Report by Hemet officer assigned to canvas motel for video surveillance cameras. Located video and reported on his observations of the videos.

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11. Supplemental Report #9 – 3-pages. **Review all three pages.** Report by Hemet Detective on crime scene collection and photographs.
12. Supplemental Report #10 – 3-pages. **Review all three pages.** Hemet officer assigned to obtain a search warrant for Tracy's motel room and locate potential witnesses.
13. Supplemental Report #11 – 8-pages. **Review all eight pages.** Hemet officer transported 17-year-old female living with Tracy to the Hemet PD. Canvassed motel for witnesses.
14. Supplemental Report #12 – 7-pages. **Review all seven pages.** Hemet officer crime scene processing.
15. Supplemental Report #13 – 1-page. **Review one page.** Hemet officer correction of error in supplemental report #11.

III. Riverside County Sheriff's reports as follows:

1. RSO Press Release. 1-page. **Review one page.**
2. Supplemental Report – MB22019 – 0001- 34900103 – 2-pages. **Review two pages.** RSO Corporal J. Adams. Documents his initial response to the shooting scene.
3. Supplemental Report – MB22019-0001 - 34900104. 12-pages. **Review pages 1-8. particularly page 5 for Detective Kerr charting process.** RSO Corporal J. Adams. Report on charting of weapons of GIT members.
4. Supplemental Report – MB22019-0001 – 34900105. 9-pages. **Review page 3 lines 26-28.** RSO Corporal Adams. Received firearms from involved officers and booked into armory.
5. Supplemental Report – MB22019-0001 – 36543301 – 4-pages. **No need to review.** RSO detective. Report on booking Tracy's jacket into evidence that was obtained from the coroner's office.
6. Supplemental Report – MB22019-0001 – 36543302. 2-pages. **Review both pages.** Detective response and arrival at the scene. Notifications.
7. Supplemental Report – MB22019-0001 – 36543303. 7-pages. **Review seven pages.** Detective interview of investigator Monis.
8. Supplemental Report – MB22019-0001 – 36543315. 3-pages. **No need to review.** Detective list of photographic evidence that was placed onto a CD. There are no photographs attached for review.
9. **Initial Report** – MB22019-0001 – 36543316. 3-pages. **Review three pages.** RSO Detective Moody describes incident.
10. Supplemental Report – MB22019-0001 – 36543317. 7-pages. **Review seven pages.** RSO Detective Moody report in interview of DA Investigator Cervello.
11. Supplemental Report – MB22019-0001 – 36543343. 33-pages. **Read 33-pages.** Transcript of Detective Moody interview of Investigator Monis.

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12. Supplemental Report – MB22019-0001 – 36543344. 24-pages. **Read 24 pages.** Detective Moody interview transcript of Supervising DA Investigator Chuck Cervello.
13. Supplemental Report – MB22019-0001 – 36543374. 6-pages. **Read six pages.** Autopsy report.
14. Supplemental Report – MB22019-0001 – 36543406. 3-pages. **Read three pages.** Forensic Tech report on items photographed.
15. Supplemental Report – MB22019-0001 – 36543407. 2-pages. **No need to review.** Forensic Tech report on aerial photographs taken along with measurements. None of the photos are included in this report.
16. Supplemental Report – MB22019 – 0001 – 39880053. 2-pages. **No need to review.** Investigator Ditfurth documenting his notification of the incident and response to the scene. No action taken.
17. Supplemental Report – MB22019 – 0001 – 39880054. 5-pages. **Review five pages.** Investigator Ditfurth describes details viewed on SO Deputy Smith's BWC.
18. Supplemental Report – MB22019 – 0001 – 39880055. 5-pages. **Review five pages.** Investigator Ditfurth describes details viewed on Detective Porrazzo's BWC.
19. Supplemental Report – MB22019 – 0001 – 39880056. 5-pages. **Review five pages.** Investigator Ditfurth describes details viewed in Sergeant Paez' BWC.
20. Supplemental Report – MB22019 – 0001 – 39880058. 6-pages. **Review six pages.** Investigator Ditfurth describes details viewed on Travelodge surveillance cameras.
21. Supplemental Report – MB22019 – 0001 – 4550039. 3-pages. **Review three pages.** DA Investigator F. Munoz report on response to the scene and initial details learned from GIT personnel involved in the incident.
22. Supplemental Report – MB22019 – 0001 – 4550040. 9-pages. **Only necessary to read pages 1-5.** DA Investigator Munoz report on Tracy autopsy and evidence collection.
23. Supplemental Report – MB22019 – 0001 – 4550041. 15 pages. **Review 15 pages.** Armorer report on Deputy Smith's firearm and the 40mm sponge round launcher. Both of these were fired by Smith.
24. Supplemental Report – MB22019 – 0001 – 4550042. 17 pages. **Review 17 pages.** Armorer report on Detective Porrazzo's firearm and 40 mm sponge round launcher. Both of these were fired by Porrazzo.
25. Supplemental Report – MB22019 – 0001 – 4550043. 8-pages. **Review eight pages.** Armorer report on Detective Kerr's firearm.
26. Supplemental Report – MB22019 – 0001 – 4550044. 7-pages. **Review seven pages.** Armorer report on Sergeant Paez' firearm.
27. Supplemental Report – MB22019 – 0001 – 45550045. 5-pages. **Review five pages.** Written report by Murrieta PD Detective Williams. Murrieta PD report #MR22-0879.

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- 28.** Supplemental Report – MB22019 – 0001 – 4550046. 6-pages. **Review six pages.** Report by Investigator Munoz on incorporating a written report by Supervising DA Investigator Robert Kwan.
- 29.** Supplemental Report – MB22019 – 0001 – 4550047. 5-pages. **Review five pages.** Investigator Munoz incorporation of written report submitted by DA Sr. Investigator Benjamin.
- 30.** Supplemental Report – MB22019 – 0001 – 4550048. 8-pages. **Review eight pages.** Report by Investigator Munoz incorporating a written report by Beaumont PD Detective Danial Lee.
- 31.** Supplemental Report – MB22019 – 0001 – 4550049. 5-pages. **NOTE: This is the same report that is in the Hemet PD reports under Supplemental Report #6, If you have already read this report, there is no need to read it again unless you choose to do so.** Investigator Munoz incorporation of written report by CHP Officer Bell.
- 32.** Supplemental Report – MB22019 – 0001 – 4550075. 5-pages. **Review five pages.** Investigator Munoz report on the retrieval of Detective Kerr's firearm, Glock 17 and sent to the California State Department of Justice for examination and then returned.
- 33.** Supplemental Report – MB22019 – 0001 – 4550076. 5-pages. **No need to review this report.** Investigator Munoz report on the retrieval of Sergeant Paez' firearm from DOJ and returned to Hemet PD.
- 34.** Supplemental Report – MB22019 – 0001 – 4550077. 4-pages. **No need to review this report.** Investigator Munoz documenting the return of Detective Porrazzo's firearm from DOJ.

IV. Review the investigative report by Mr. Bill Marsh, CPRC Independent Homicide Consultant.

CONCLUSION

This concludes the fact sheet review of this OID. Should you need any additional information or have any questions or concerns over the review of these cases, please contact me by phone, email or text.

Prepared and Submitted By,

Frank Hauptmann
CPRC Independent Consultant

December 2024