

## Shooting of deliveryman results in largest police settlement in city history

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Philadelphia has agreed to pay \$4.4 million to a college student gravely wounded by plainclothes police two years ago while the 20-year-old was delivering takeout food.

It is the largest settlement in a police shooting case in the city's history, according to Philadelphia Law Department records.

Then-Commissioner Charles H. Ramsey said shortly after the shooting that Officers Mitchell Farrell and Kevin Hanvey had fired at the wrong man.

On Friday, the mayor's office called the shooting "an unfortunate, regrettable series of events."

"We will strive to ensure that tragedies such as this do not happen again in our city," City Solicitor Sozi Pedro Tulante said in the statement.

In a deposition, he said he saw Farrell and Hanvey approaching him

and thought he was about to get robbed. He slipped into his car through the passenger door, he said - and that's when one officer shined a light into the car and Holland saw a gun in the other's hand.

He told police that Farrell and Hanvey never identified themselves as police officers. He said that he panicked and tried to pull out of his parking spot - and that the two men opened fire on him, hitting him in the head and body.

At the time, it was against police regulations for officers to fire at a moving vehicle unless someone inside the car was threatening them or someone else with some form of deadly force other than the vehicle itself.

Hanvey and Farrell told investigators they approached Holland because they saw him walking past a Chinese restaurant on 51st Street and asked a witness on the street where the gunshots she'd heard had come from. They said the woman had pointed toward Holland and

said the shots came from where he was walking.

But the woman later told police investigators she had only pointed toward the Chinese restaurant, and didn't mention a man at all.

Hanvey and Farrell insisted that they told Holland they were police and that he drove his car toward them, making them fear for their lives.

Philippe Holland was delivering a cheeseburger to a house on the 5100 block of Willows Avenue in West Philadelphia on April 22, 2014, as police responded to reports of gunshots nearby.

Holland, a student at Delaware County Community College, was left with a permanent seizure disorder and has bullet fragments in his brain, according to his attorney, **Tom Kline**, who announced the settlement Friday.

The District Attorney's Office declined to press charges in the case. According to police documents

Kline provided to the Inquirer and the Daily News, the department's Use of Force Review Board concluded that Farrell and Hanvey had violated department policy, though the board did not specify a punishment for that violation.

A police spokesman said that the two have been on administrative duty since the shooting, and that "discipline is still pending."

The department could not say whether the officers will return to the street.

John McNesby, president of Fraternal Order of Police Lodge 5, declined to comment, saying the department's internal matters regarding discipline had not yet been resolved.

Kline commended the city and Police Department for agreeing to establish a new protocol for plainclothes officers' dress and behavior so it is clear they are police.

"Significantly, the city also agreed to produce a training video that all new plainclothes officers will be required to watch before new assignments and as part of roll call," Kline said. The new training protocol will be implemented by July 1.

The city said the new plainclothes training dovetails with reforms already underway, including reducing stops of pedestrians and implementing use-of-force recommendations from the Department of Justice handed down in March 2015.