

# Why Is This Man Dead?

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In a year in which shootings by Philadelphia police have fallen significantly, Richard Ferretti was fatally shot by a cop while trying to find a parking spot. His family wants to know how it happened.

By [David Gambacorta](#) · 11/3/2016, 11:46 a.m.

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*Richard Ferretti with, from left, his girlfriend, Stacey Betts, his mother, Mary Lou, and his sister, Lisa, in a 2014 photograph. Courtesy of the Ferretti family*

A phone call from Philadelphia woke **Mary Lou Ferretti** from her dreams. There was a brief conversation that was both incomprehensible and chillingly clear, and it sent Mary Lou into the arms of her daughter and her son-in-law, who now sat bleary-eyed with her at their kitchen table.

It was just past 2 o'clock in the morning on May 4, 2016, and her son **Richard** was dead.

That's what the man from the hospital had told her, anyway. **Donald Newman**, Mary Lou's son-in-law, took the phone number she'd jotted down and started dialing. A few moments later, he was listening to a detective. "He told me that he needed to speak to us, that we have to come down and identify [Richard's] body," Donald says. "I asked him what happened, and he said, 'All we know is it was blunt force trauma.' So I said, 'Was it a car wreck?' And he said, 'No, it's a little bit more complicated than that.'"

Donald, a physician, pressed for more information. The detective demurred. They went back and forth a little until the detective finally said that Richard had been shot. Dazed and grief-stricken, Mary Lou, Donald, and his wife, Lisa, drove two hours from their home in Andreas, Carbon County, to the Medical Examiner's Office in University City, imagining how Richard Ferretti's final moments had played out along the way. Maybe he'd been gunned down during a robbery, or maybe he'd been hit by a stray bullet. Maybe this, maybe that.

Once they reached the office, an assistant coroner delivered the news: Richard had been fatally shot while driving his minivan near St. Joseph's University by a Philadelphia police officer. This was even harder to comprehend than the phone call. Richard was 52, a talented chef who'd been battling multiple sclerosis for the last few years. How in the hell did he end up getting shot by a cop? They didn't have a chance to find any answers. Within minutes, a handful of detectives started peppering Donald, Lisa and Mary Lou with terse questions: *Why was Richard driving in that area? Why did he have a can with gasoline in his van? Had he ever talked about wanting to harm himself?*

"We had just looked at a picture of my brother in the morgue," **Lisa Newman** says. "God bless my mother. She said, 'I have to get out of here. I can't be disrespected like this.' It felt like they were trying to pin it on him."

Richard Ferretti's family returned to Carbon County feeling devastated and confused. They followed news coverage of his death, but vowed to remain silent if contacted by reporters. It might have seemed like a counterintuitive decision — who stays quiet about anything in the age of social media and airing every inner thought? — but they didn't want to turn their private agony into a public spectacle. Besides, they'd read that police officials had already expressed concern about the shooting, so they assumed the case would be sorted out quickly.

Six months later, Ferretti's relatives have decided to speak out. Ferretti is one of the four people who have been fatally shot by cops in Philadelphia this year. It's a far cry from the troubling number of police shootings the city posted just a few years ago, but the investigations into the incidents still seem to drag interminably. Ferretti's family hired a law firm, Eisenberg Rothweiler Winkler Eisenberg & Jeck, which is preparing to sue the city — one way of tracking down the information about the case that's eluded them so far. "I will get justice for Richard," Lisa says. "He was murdered, and he did not deserve this."

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**THE STORY OF** Richard Ferretti's death began with a 9-1-1 call.

Undercover cops riding in an unmarked car responded to a report that came in at 12:58 a.m. of a purple Dodge Caravan that was driving "suspiciously" near 63rd Street and Overbrook Avenue, according to the Police Department. When the undercover officers spotted the van lurching through the neighborhood — with Ferretti behind the wheel in a T-shirt, gym shorts and Crocs — they called for uniformed cops in a marked cruiser to assist them.

The marked car showed up, turned on its flashing lights, and pulled behind Ferretti. He allegedly continued driving, according to police. The undercover cops, meanwhile, decided to cut in front of the van with their car. This is the official account of what happened next, posted on the Police Department's website: *"Both officers exited the unmarked police vehicle and ordered the male operator to turn the engine off. The offender accelerated his vehicle forward in the direction of one of the officers, who drew his weapon, and discharged it, striking the offender."*

Ferretti was struck four times by bullets fired by Officer **Shannon Coolbaugh**, a seven-year veteran. He lost control of the Caravan, which smashed into a line of parked cars on the next block, and was pronounced dead a short while later at Penn Presbyterian. The following morning, St. Joe's students gawked at the wreckage that was left behind, including a silver Honda that had been transformed into an accordion.

The incident had hallmarks of being a "bad shooting" — cop-speak for a case littered with problematic elements. Both [6ABC](#) and [Fox29](#) reported that residents overheard Ferretti shouting "I'm stopping! I'm stopping!" before the fatal shots rang out. And then there's the alleged actions of Coolbaugh and his partner. The Police Department's [use of force directive](#) prohibits cops from firing at moving vehicles unless they pose an obvious or immediate threat, like a motorist or passenger who is opening fire on civilians. "Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, SHALL NOT be justification for discharging a firearm at the vehicle or any of its occupants," reads one line of the directive.

"I said from the outset I had serious concerns about the tactics that were used," Police Commissioner **Richard Ross** says during an interview with *Philadelphia* magazine. "There may be some instances where you're legally justified to shoot at a moving vehicle, but if you strike the person severely or fatally, you may end up with a driverless vehicle. You can't really stop the car. Even if it's coming at you 100 miles per hour, you just need to get out of the way."

**John McNesby**, the president of the Fraternal Order of Police Lodge No. 5, could not be reached for comment on the incident.

According to Ferretti's family, his "suspicious" loop around Overbrook Avenue had a simple explanation that most car owners in Philadelphia can relate to: He was trying to find somewhere to park.

Ferretti lived in the neighborhood with his girlfriend. The couple owned a second car that had run out of gas, so Ferretti drove to a nearby gas station and filled up a small tank, which cops discovered in his minivan after the shooting. "I had to close out his bank account," his sister says. "The bank showed a transaction of him getting five dollars of gas from a local gas station just before he was shot."

"Candidly, he had a legitimate reason to be on that block," Ross says. "But for whatever reason, he clearly looked suspicious to someone who called 9-1-1. The officers didn't just happen upon him."

No matter what prompted the phone call, Lisa Newman doesn't believe her brother would have tried to mow down a cop. "He would never ever hurt anyone, especially a police officer," she says. If anything, she imagines he would have been rattled by the sudden rush of activity — the pulsing red and blue lights from one cruiser in his rearview mirror, the unmarked car with the undercover officers cutting in front of him, the appearance of a gun and then, finally, the muzzle flash lighting up the night.

"What we know about Richard is that he was completely blameless and innocent," says **Todd Schoenhaus**, the family's attorney. "He had no weapon on him. He was looking for a parking spot."

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**MARY LOU FERRETTI IS** 77 years old, a "strong Italian woman," her daughter says.

But Richard was her only son, and their bond was especially tight. They talked by phone every day, and Richard drove up to Carbon County to visit her on weekends. "She's devastated. I can literally see her shrinking before my eyes," Lisa says.

Richard studied at the New York Restaurant School in the 1980s, and went on to work at restaurants in New York City, New Jersey and Pennsylvania, his sister says. "You could give him two bricks, and he'd cook them and you'd beg for more," says Donald Newman. "He was an extremely talented, friendly guy."

Court records show Ferretti had a couple of prior brushes with the law in Carbon County: a guilty plea on a burglary charge in 1996, a guilty plea on a DUI charge in 2000, and guilty pleas in 2004 for driving with a suspended license and a misdemeanor charge of attempting to elude police. There's no record of violent crimes in Ferretti's past, Schoenhaus says, nothing that could justify him getting shot to death in 2016.

The MS diagnosis came a few years ago, after he began experiencing numbness in his hands and legs. Cervical neck surgery followed, a bid to help alleviate the numbness and make it easier for Richard to get back in a kitchen, doing what he loved. Stronger medications had seemingly improved his health and his outlook when he gathered with his family on Easter. "He was walking without a cane and looking forward to getting back to work," Lisa says. "The initial diagnosis had been a setback, but he really pulled through."

But now there is only emptiness and pain. "My mother wants to know who murdered her son. Is he still carrying a gun?" Lisa asks. "He's just going on with his life, I suppose. And my brother is in an urn on the fireplace."

Coolbaugh has been on desk duty since the shooting. Ross says he's waiting for the District Attorney's Office to determine whether the veteran cop will face criminal charges. The Police Department can't interview a cop who is involved in a shooting — and begin the process of

determining if he should face punishment for possible departmental violations — until *after* prosecutors have wrapped up their own probe. **Cameron Kline**, a spokesman for District Attorney **Seth Williams**, says the case is still under investigation.

The pace of investigations into police-involved shootings remains a point of concern, even beyond the Ferretti case. Last week, *The Declaration* reported that a proposed plan to have the Pennsylvania State Police oversee probes into police shootings in Philadelphia had fallen through. The idea of putting a third party in charge had appeal — even within the PPD — but putting it into practice ultimately would have been a logistical nightmare.

Thus far this year, four people have been fatally shot by Philadelphia police, and seven others have been wounded. Four city police officers and one University of Pennsylvania police officer have been shot this year as well. Last year, 11 people were shot by city cops, two of whom died. Two police officers were shot, and another — Sgt. **Robert Wilson III** — was murdered.

The numbers pale next to the peak that was reached in 2012, when 52 people were shot by police and 15 were killed. A Philly.com report on the alarming figure prompted then-Police Commissioner Charles Ramsey to ask the U.S. Department of Justice to examine the police department's use of force policies. That study resulted in the Collaborative Reform Initiative, which offered 91 best practices recommendations. Ross says the department has implemented nearly all of the recommended policies, including adopting a new approach to investigating police shootings that will likely begin later this year, and allow the D.A.'s Office and the Police Department to wrap up investigations faster.

Attorney **Stewart Eisenberg** says his law firm has reached out to the City Solicitor's Office in the hopes of prying loose some information about the case for Ferretti's family. "We were told it could take up to a year to complete the investigation into what happened. That's totally unacceptable."

Ferretti's brother-in-law mentions that he'd heard Ross's comments from earlier this year, about the concern he had over the tactics that were used leading up to Ferretti's death. "I have a lot of respect for a man who's willing to say that," he says. "Maybe he's the one guy who the truth might be important to."

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