

## **Family sues Nashville, officer for \$30M in fatal - Associated Press News Service, The - March 11, 2019**

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NASHVILLE, Tenn. (AP) — The family of a black man killed by a Nashville police officer filed a federal lawsuit Monday, naming the city and the white officer who fatally shot the man from behind as he ran with a gun.

Attorney Joy Kimbrough said the suit filed in federal court in Nashville seeks \$30 million in connection with the fatal shooting last July of **Daniel Hambrick**, 25.

The lawsuit names Officer Andrew Delke and Nashville's government as defendants, arguing that the city's police department has a culture of "fear, violence, racism and impunity" and that the shooting was at least partly motivated by race.

The police department blasted the lawsuit as an "inflammatory attack" on the agency, its officers and its training academy.

The suit is unfolding as Delke is slowly nearing trial on state first-degree murder charges. Delke is due back in court next month for another pretrial hearing in his criminal case, but a trial date is still yet to be determined.

The shooting has sparked anger and tension in Nashville, mirroring the national attention on cases in recent years of young black men who have died in shootings by police. Hambrick's death prompted a November referendum passed by voters to create a citizen oversight board for Nashville's police force.

The lawsuit filed by Hambrick's family alleges that the police department and Delke violated Hambrick's constitutional rights through excessive force and race discrimination. It also brings a wrongful death claim against Delke. Additionally, the suit said, the police department's training programs "reinforce the message that officers should live in fear of citizens and that violence is an officer's only way to avoid being killed by citizens."

Nashville police department spokesman Don Aaron said his agency "looks forward to vigorously defending this lawsuit and correcting the plethora of misinformation it contains."

Delke's attorney, David Raybin, did not immediately respond to a request for comment on the lawsuit.

In the criminal case proceedings, Delke's attorneys have argued that the officer, who was also 25 at the time of the shooting, had followed his training and state law when he saw Hambrick had a gun. But District Attorney General Glenn Funk has said Delke could have sought cover and called for help.

According to Delke's arrest affidavit, the officer pulled into an apartment parking lot and mistook a car for one he had been following while looking for stolen vehicles and known juvenile offenders. Several people were in the area at the time, including Hambrick, who began to run, according to the affidavit.

The affidavit says Delke believed Hambrick may have been connected to the car he thought might be stolen, and he chased him and yelled at him to stop. It says Delke shot Hambrick in the back, torso and the back of his head. A fourth shot missed him.

Neither side has disputed that Hambrick had a gun. But the defense has said the weapon became pointed at Delke during the chase, and prosecutors have cast doubt about that.

Meanwhile, the Nashville Fraternal Order of Police has been running a public relations offensive aimed at boosting Delke's public image while casting scrutiny on Hambrick.

James Smallwood, the local police union president, said the lawsuit contains "so many false allegations and hateful stereotypes about police officers that it bears no resemblance to reality."

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