

Prosecutor files charge in police shooting of - Associated Press State Wire: Tennessee (TN) - September 28, 2018

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NASHVILLE, Tenn. (AP) — A white Tennessee police officer was charged with criminal homicide Thursday after surveillance footage appeared to show him chasing a black man and opening fire as the man fled from the officer in July.

And a newly released arrest affidavit says the officer was looking for a reason to stop a white sedan, later mistakenly zeroed in on another car and then killed the armed fleeing man without knowing who he was or whether he was connected to either vehicle.

Nashville District Attorney Glenn Funk said Thursday that he requested a warrant to charge officer Andrew Delke in the death of 25-year-old **Daniel Hambrick**. A General Sessions judge found probable cause and signed Delke's arrest warrant after a magistrate judge ruled earlier Thursday that there wasn't enough evidence.

The incident reignited questions about policing of Nashville's black community. The outcry has stirred enough support to place a question on the city's November ballot about creating a citizen oversight board for the police force.

Delke's attorney, David Raybin, said Delke is out on \$25,000 bail, will plead not guilty and his attorneys plan to "vigorously defend this case and put this matter to a jury."

Nashville Fraternal Order of Police President James Smallwood was shown in a video on the organization's Facebook page condemning the charge.

"This case is a politically inspired rush to judgment," Smallwood said. "This is not a case of an innocent, unarmed civilian shot for no reason."

The video from a nearby school released last month shows the 25-year-old officer chase and shoot Hambrick on July 26 as Hambrick fled on a sidewalk near an apartment complex.

According to the arrest affidavit presented in court Thursday, Delke was tailing a white sedan while looking for stolen vehicles and known juvenile offenders, but found the car wasn't stolen. He "continued to follow to see if he could develop a reason to stop the Impala," and never saw the driver or determined how many people were inside, it says.

Delke turned on his emergency lights as the car pulled onto the interstate, but followed policy and didn't pursue. Instead, he followed from a distance, the affidavit says. Eventually, Delke lost track of the car and pulled into an apartment parking lot and mistook a different white four-door sedan for the one he was seeking, it says. Several people were in the area as Delke stopped nearby, one of them Hambrick, who began to run, the affidavit says.

Delke chased Hambrick and yelled at him to stop, though the officer didn't know the fleeing man's identity, the affidavit says. Delke believed Hambrick may have been connected to the car Delke misidentified, but didn't know for sure, the affidavit says.

Delke saw a gun in Hambrick's hand as the chase continued, and Hambrick wouldn't drop it despite Delke's instructions, the affidavit says. Delke "stopped, assumed a firing position, and aimed his service weapon," firing four times, it says. One shot hit Hambrick's back, another his torso and a third the back of his head. The fourth shot missed him.

Funk said the charging method lets the case be presented in open court as transparently as possible, since grand jury proceedings are secret. The case will be presented to a judge, who will decide whether to send it to a grand jury.

Nashville Mayor David Briley, who announced a comprehensive review of policing procedures when the video was released publicly last month, said he fully supports the police, but officers must account for their actions when they have been accused of misconduct.

"In August, I spoke with Daniel Hambrick's mother to express my condolences for her loss," Briley said in a statement. "I assured her that we would show respect for the life of her son, because his life mattered. At that time, Ms. Hambrick asked for justice for Daniel. The District Attorney's decision to file charges in this case is a necessary step toward that end."

American Civil Liberties Union of Tennessee Executive Director Hedy Weinberg called Delke's arrest a "crucial first step in setting the wheels of accountability and justice in motion," while cautioning that Delke must receive due process.

Nashville Police Chief Steve Anderson offered condolences to Hambrick's family. He also said the shooting will impact Delke and his family forever.

Anderson said he respects the justice system in Davidson County and the state.

He said because of Thursday's action, Delke has been decommissioned, which means he has had to turn over his gun but is working at a desk job and is still getting paid.

Raybin, Delke's attorney, said the officer was "following the law and his training" and was protecting himself, other officers on the way, and the public.

NAACP Tennessee State Conference President Gloria Sweet-Love said that if Delke is convicted, then real justice will be served.

"When you kill a young black boy, you are killing a young citizen and you are making it difficult for us to live as one," Sweet-Love said Thursday.

Kimberlee Kruesi in Nashville contributed to this report.

