



In an unprecedented move, a Nashville police officer Thursday was booked into jail and charged with homicide after killing someone on the job.

Officer Andrew Delke, 25, who is white, was charged with criminal homicide in the shooting death of Daniel Hambrick, also 25, who was black, as he was running away during a foot chase.

Prosecutors scrambled to a General Sessions judge to sign off on an arrest warrant after a lower level magistrate said they didn't have enough evidence to prosecute Delke.

It was a chaotic turning point that drew passionate responses from all corners of the city. Battle lines are drawn for a fractious debate that could last for years as the case travels through the court system.

To some, the charge embodied a reckoning, an indictment of racial bias on the police force and a warning to one of the city's most powerful institutions. To others, it represented political posturing that could keep officers from doing their jobs.

The case could spur changes at the Metropolitan Nashville Police Department — which is reviewing its foot pursuit policy. But it's already challenged established city norms and put leaders on their heels.

"Here again as a city we have another opportunity to expand upon the conversations of community policing," Metro Councilwoman Tanaka Vercher said. "I hope we learn from it."

## **Nashville police officer charged in fatal shooting of Daniel Hambrick**



## Activists say prosecutors 'have done their job'

Activists groups were quick to cheer Delke's arrest, even as they pointed to elements of his case that they said amounted to preferential treatment.

They said District Attorney Glenn Funk was right to pursue a homicide charge, and to get a judge to overrule the Night Court magistrate who said there wasn't enough evidence.

"We're pleased to learn that Glenn Funk and the district attorney's office have done their job," the local chapter of Black Lives Matter said in a statement.

Many people questioned why the magistrate, Evan Harris, would make the rare decision to refuse a charge, with Public Defender Martesha Johnson taking to Twitter saying she "can't say I've experienced this for any of my clients."

Vercher did not comment on the details of the criminal case against Delke, but said she hoped the charge would force a more proactive conversation among city leaders about appropriate police strategies.

She said the reaction to Hambrick's shooting, and the recent push for an oversight board to investigate accusations of police misconduct, were evidence of a deeper problem.

"We have a breakdown of trust and accountability as it relates to trust and policing," Vercher said. "I would like to see better community and police relationships. I would also like to see better policy as a result of this and I would hope that, as a city, we don't have to encounter this again."

## **FOP says charge 'criminalized' police work**

At the same time, supporters of the police department were forceful in their condemnation of the homicide charge.

Delke's defense attorney David Raybin held a press conference reiterating that the officer only opened fire after he saw Hambrick had a gun, a point that is not contested in the arrest warrant.

The local police union said Delke was following police rules and was right to shoot Hambrick, who was hit twice in the back and once in the back of the head as he ran from the officer.

The Fraternal Order of Police blasted Funk for going to Judge Michael Mondelli to challenge the magistrate's initial decision, saying he went from "judge to judge desperately searching for someone, anyone" to sign an arrest warrant.

"That's not justice, that's judge shopping," Fraternal Order of Police President James Smallwood said in a video statement.

"This charge is not just against this officer," Smallwood said. "When police work is criminalized and police officers are threatened with prison, everyone is made less safe."

## **Decision to forgo grand jury surprises many**

Many observers across the ideological spectrum were surprised Funk chose to pursue the charge through General Sessions court. Felony charges resulting from long-term investigations typically go straight to the Davidson County grand jury for consideration in secret.

Funk said he bucked convention in this case so the evidence could be argued in a more transparent fashion. Lawyers will likely debate some of the evidence in a preliminary hearing, in front of a General Sessions judge, the news media and the public.

Funk's predecessor Torry Johnson, who served as Nashville's top prosecutor for 27 years, said he sent every police shooting case to the grand jury.

"I just felt that they were a good check on me or our office in making our determination," Johnson said.

But Johnson said Funk was free to pursue the case as he saw fit, although he said prosecutors usually prefer starting with the grand jury.

"There are a lot of tactical advantages of actually going to the grand jury directly if the person hasn't been arrested," Johnson said.

"I totally agree that there is a point at which transparency in this day and time is very important. It's just a question of when is the right time?" Johnson said.

Funk has "to make a trade off ... tactically this may have some downsides but it may have some positive sides, as far as transparency."

Although the choice to side with transparency means the public will get more details on the case soon, a criminal trial remains far away. A judge would need to sign off on the evidence in a preliminary hearing, and then the grand jury would still need to review the case.

"This is going to be a long slog," Johnson said.