

Officer Andrew Delke of the Metropolitan Nashville Police Department leaves after being booked Thursday on a criminal homicide charge in the July 26 shooting death of Daniel Hambrick.

By Matt Stevens Sept. 28, 2018

A white police officer in Nashville who fatally shot a black man who was running away from him was charged with criminal homicide on Thursday, officials said.

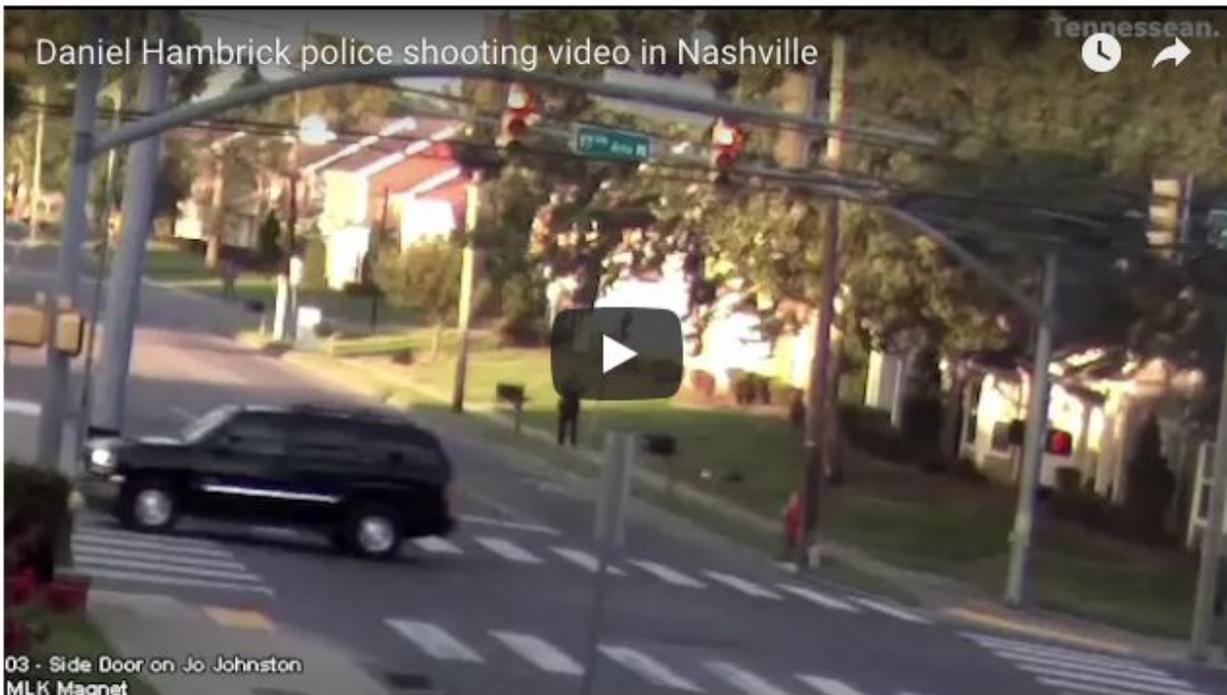
In video of the July 26 shooting, which prosecutors released last month, Officer Andrew Delke of the Metropolitan Nashville Police Department can be seen chasing the man, Daniel Hambrick, and firing several rounds at him from behind.

Mr. Hambrick, 25, was holding a gun at the time of the shooting and was told to drop it, according to an affidavit that was signed Thursday.

The affidavit, filed by an investigator with the district attorney's office, said Officer Delke, 25, had unsuccessfully tried to stop a white Chevrolet Impala earlier in the day,

and later pulled into a parking lot near another white vehicle, which he mistook for the Impala. Several people were in the area, the affidavit said, and when the officer arrived, Mr. Hambrick ran, and Officer Delke chased him, even though he did not know if the man was connected to either vehicle.

Officer Delke fired at Mr. Hambrick four times, striking him three times, the affidavit said — once in the back of the head, once in the back and once in the left torso. Medics responded, but Mr. Hambrick died a short time after the shooting, the authorities have said.



In a telephone interview, David L. Raybin, one of Officer Delke’s lawyers, said that backup officers had been summoned to the scene the day of the shooting, and so although Mr. Hambrick was running away from Officer Delke, he was running toward other arriving officers — with a weapon.

“Tennessee law permits a police officer to use deadly force when there is a danger to others,” he said. “Officer Delke was protecting himself, his backup officers and the public.”

Mr. Raybin and a spokesman for the Nashville-Davidson County district attorney said they could not recall any other case in which a Nashville police officer had been charged with such a crime for an act that happened while on duty.



David Raybin and John M. L. Brown, lawyers for Officer Andrew Delke of the Metropolitan Nashville Police Department, at a news conference after he was charged in the shooting death of Daniel Hambrick.

Mr. Raybin said his client had been “decommissioned,” meaning he currently has no active law enforcement duties but is still a police officer and is still drawing his salary. He said Officer Delke would eventually plead not guilty. His next court date, a preliminary hearing, is scheduled for Oct. 30.

The spokesman, Steve Hayslip, said that a court commissioner had refused to sign the criminal homicide affidavit when prosecutors first presented it on Thursday morning. Prosecutors then took it to a judge, who signed it.

Officer Delke turned himself in quickly and was released after posting \$25,000 bail, Mr. Raybin said.

“The decision to institute charges by warrant as opposed to presenting the matter directly to a grand jury allows this case to be presented in open court in as transparent a manner as possible,” the district attorney, Glenn R. Funk, said in a statement. “As this is a pending criminal case, I will have no further extrajudicial comments.”

The shooting has spurred protests and civic action. Days after the video of the shooting was released, activists from Black Lives Matter Nashville and other organizations

marched through the city. A coalition that included the National Association for the Advancement of Colored People also proposed the creation of a civilian board, which would investigate allegations of police misconduct; the proposal will be voted on in November despite efforts by the police to kill the measure.

Chief Steve Anderson of the Metropolitan Nashville Police Department called the death of Mr. Hambrick “a tragedy” while also noting that Officer Delke’s family and the Police Department have been affected by the shooting and its reverberations. Because other law enforcement agencies are handling the shooting investigation, the department’s administrative investigation “is open but on hold,” he said. Officer Delke, he added, had been working a desk job but was decommissioned because of the criminal charge, a move he said was consistent with protocol.

In his own statement, Mayor David Briley of Nashville said the “decision to file charges in this case is a necessary step.”

“Put simply, we must have laws that are fairly, equally and transparently applied,” he said.

The affidavit signed Thursday offered new details about the alleged sequence of events on the day of the shooting. It said that Officer Delke was patrolling in North Nashville when he became suspicious about the Chevrolet Impala, apparently because it had stopped at a stop sign and conceded the right of way to him. He began to follow the Impala, and even after running the license plate and learning that it was not stolen, he “continued to follow to see if he could develop a reason to stop the Impala,” the affidavit said.

The officer eventually turned on his blue lights as the Impala pulled onto the interstate, but the vehicle did not stop, and the officer lost track of it, the affidavit said.

Still, Officer Delke kept looking for the Impala and eventually pulled into an apartment parking lot where he mistook another white sedan for the Impala, the affidavit said. He pulled up next to the sedan and stopped, and Mr. Hambrick took off running, the affidavit said. Officer Delke ran after him, the affidavit added, noting that Officer Delke did not know the man’s identity and “did not know with certainty” if the man had been inside either the Impala or the white sedan.