



Defense attorney David Raybin says Officer Andrew Delke was following his training when he shot Daniel Hambrick during a foot pursuit in July.

The charge of homicide brought Thursday against a Nashville police officer drew immediate reactions online, as well as emotional statements from community groups and officials.

However, an unusual pair of court procedures caused some to revise their initial impressions, or to offer mixed messages.

But there was notable praise from some who have criticized local authorities.

“You have a huge part of this community that just doesn’t trust the process at all — they don’t trust the criminal justice system at all. And so from a faith-building standpoint, this is a huge move,” said local attorney Kyle Mothershead, who has brought several cases against police officers and justice institutions and who works with the progressive group Nashville Organized for Action and Hope.

Nashville Mayor David Briley called the decision to file charges “a necessary step” toward bringing justice to the family of Daniel Hambrick, who was fatally shot on July 26.

“I don’t control what happens in individual criminal cases, but I will continue to work toward creating a fair, open and transparent criminal justice system,” Briley said. “This does not mean that every time an officer is charged with a crime or accused of misconduct, the officer will be

found guilty. ... I fully support our Police. However, officers will be required to account for their actions when they have been accused of misconduct.”

Police Chief Steve Anderson expressed condolences for Hambrick’s mother, and described how the incident has had a lasting impact on the police department.

“Certainly, no parent should have to grieve the loss of a son or daughter,” Anderson said. “The events of July 26th have also forever impacted Officer Andrew Delke and his family. Our community and this police department have been lastingly affected as well.”

The chief said that by department protocol, Delke has been decommissioned.

“As the justice process proceeds, all of the facts and circumstances concerning an investigation will become known,” he said.

David Raybin, an attorney representing Delke, said this is the first time a Nashville police officer has been charged with murder. He said Delke intends to plead not guilty.

Community Reacts To Court Process, Broad Impact

As first reported by The Tennessean, the case against Officer Andrew Delke was initially presented by a prosecutor to a local magistrate, who declined to sign an arrest warrant, citing a lack of probable cause.

That decision drew swift outrage from groups like the local chapter of Black Lives Matter. But a short time later, the case was presented to a judge in a different courtroom, and the warrant signed.

In two ways, the procedure “totally stunned” Mothershead.

First, he said that probable cause is a relatively low threshold to reach, and that information already made public about the shooting — particularly surveillance video footage that shows the fatal gunshots — appears to meet the probable cause standard, leaving him questioning the magistrate’s first decision.

The second surprise is that the the district attorney didn’t choose to skip magistrates and judges altogether to present the case to the Davidson County Grand Jury. That would be common “because of the gravity of charging a police officer with homicide,” he said.

In a statement, the district attorney’s office said the case was brought to court in the interest of transparency. The grand jury operates in secret, and is not recorded.

In that context, Mothershead praised the district attorney.

“Everybody else gets charged by warrant,” he said. “So I appreciated it on this level, that this officer was basically treated like everybody else is.”

Black Lives Matter Nashville, a frequent critic of local authorities, also praised the city prosecutor, while still issuing cautions about the justice system.

“It’s still a really unfortunate situation from the Hambrick family. No prosecution, no indictment is really going to bring justice to that family,” said member Joshua Crutchfield. “We’re going to go forward, and the community is kind of watching.”

Both NOAH and Black Lives Matter are part of a coalition that favors the creation of a community oversight board to investigate serious allegations of police misconduct.

Crutchfield said that campaign — which goes to voters in a Nov. 6 referendum — will not be influenced by the criminal case.

“What community oversight wants to do is review policies that the MNPd has to ensure that incidents like these do not happen,” he said.

Meanwhile, activist group Community Oversight Now, released a statement that the group is “encouraged by today’s move toward accountability with the indictment of Officer Andrew Delke.”

Community Oversight also reiterated its mission of creating an oversight board, calling the response from city departments “tone-deaf” thus far.

“The video footage of Delke’s execution of Hambrick was horrifying. Shooting a man in the back who is unarmed and in the process of running away from an officer is entirely unacceptable,” the statement reads.