

Nashville, Tennessee, police officer charged in shooting death

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In a rare move, prosecutors in Nashville, Tennessee, on Thursday charged a police officer with criminal homicide in the shooting death of a fleeing suspect.

The shooting occurred on July 26, when Officer Andrew Delke, 25, fired four shots at Daniel Hambrick, also 25, striking him three times: twice in the back and once in the back of the head.

Video of the incident captured by a nearby traffic camera shows Hambrick fleeing Delke in a residential area. As Hambrick ran away from him, Delke stood in place and discharged his weapon. Hambrick was allegedly armed at the time of the incident though the video makes clear he was making no effort to engage the officer. This refutes the claim made by Delke's defense attorneys that the officer was acting in self-defense.

The Tennessee Bureau of Investigation (TBI) conducted an investigation of the events leading up to the incident, details of which were laid out in Delke's arrest warrant. According to the warrant, Delke had been patrolling in an unmarked police vehicle looking for stolen cars when he became suspicious of a white Chevrolet Impala that attempted to cede the right of way to the officer when both vehicles were halted at nearby stop signs.

After a moment the Impala pulled out, and Delke began following so that he could run the plates of the Impala to determine if it was reported stolen. The vehicle was not stolen, yet Delke continued following "to see if he could develop a reason to stop the Impala," the warrant stated. Eventually the officer engaged his blue lights, but the Impala did not stop, and Delke did not chase after the vehicle.

The warrant does not make clear how the officer reportedly lost track of the Impala. While searching the area, the officer pulled into a parking lot at John Henry

Hale Apartments, a housing development for low-income and working-class families. There, Delke spotted Hambrick and other men near an unrelated white sedan, reportedly mistaking it for the Impala. At this point, Hambrick ran away from Delke.

The warrant states that there is video of Hambrick parking the Impala elsewhere in the parking lot, but that "Officer Delke did not know the identity of the man he was chasing. He did not know with certainty if the man was connected to the misidentified white sedan, if he was connected to the target Impala or if he was connected to either vehicle."

The case of police shooting a fleeing suspect is nothing new to Tennessee. In fact, it was a 1974 case of a Memphis policeman shooting Edward Garner, a 15-year-old black youth, that produced an important US Supreme Court decision on deadly force in *Tennessee v. Garner*. The shooting of Garner by Memphis policeman Elton Hymon happened 44 years ago this week.

That killing, according to police, occurred after the alleged burglary of a purse and \$10 and a suspect attempting to flee. Garner was shot once in the back of the head as he attempted to climb a 6-foot-high fence, according to press reports. Before shooting Garner, Hymon shone a flashlight onto the boy's face and hands and could see that he was unarmed. Hymon's rationale for shooting Garner was that if the teen had been able to scale the fence, he would have been able to flee.

Garner's father sued the Memphis police, and 11 years later, the Supreme Court ruled that, under the Fourth Amendment to the US Constitution, when an officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a

significant threat of death or serious physical injury to the officer or others.” The court found Hymon had no reason to believe that Garner was armed or dangerous, and that the use of deadly force was unconstitutional.

The ruling overturned the “fleeing felon” law that allowed Memphis police to use deadly force to prevent a felon from running away.

Supreme Court Justice Sandra Day O’Connor, appointed by Ronald Reagan and the first female Justice, dissented in the 6-3 decision, citing, in part, the defense that police were required to make snap decisions.

At the time, Ray Maples, then president of the Memphis Police Association, angrily denounced the ruling in a fascistic, law-and-order rant. “I’ve been a police officer for 17 years and I never met a non-violent fleeing felon,” United Press International reported in 1985. “I guess we’re going to have to buy tennis shoes and chase them. They can’t be shot at. There will be more burglaries, more rapes, more robbers, whatever, if they know they’re not going to get shot at.”

In Nashville, where the longtime police chief was nicknamed “Hang ’Em High” Joe Casey, police went on similarly unchecked rampages against the population, both before and after the Supreme Court ruling.

The Tennessee Association of Chiefs of Police bestows an annual award named for Casey, who once suggested that public hangings in the courthouse square would be a public good, and that anyone caught growing marijuana with an intent to sell more than three times should simply be executed.

In 2013, then-Nashville Mayor Karl Dean—now the Democratic candidate for governor—spoke glowingly of Casey. “Joe Casey was a no-nonsense, dedicated law enforcement leader who cared deeply for this city. He was as he is today, kind, respected, outgoing and firm,” Dean said.

The police killing of working class and poor of all races is a class issue that persists more than 40 years after Garner’s death. Indeed, it has escalated dramatically in the era of the “war on terror,” as police forces are outfitted with military hardware and emboldened by the destruction of democratic rights in the US. Both Democrats and Republicans, hand-in-hand with the courts, have worked to empower police. The result is the scaffolding for a police state.

More than 1,000 people are killed by on-duty police officers in the US each year, as the WSWS has extensively reported. In comparison to this death toll, fewer than two officers a year on average are convicted of a crime.

In the past 13 years, only 69 officers have been charged in on-duty shootings. Of those, a mere 23 have been convicted, most on charges less than murder with an average jail sentence of just over three years. Another 26 were not convicted and 20 cases are still pending, according to research by Philip Stinton, a Bowling Green State University criminologist.



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