

R20-2 Opposing Georgia's Citizen Arrest Law

Resolved that the Annual Council of the Diocese of Atlanta urge all Members of the Georgia legislature and the Governor of the State of Georgia to support the efforts of Georgia State House Representative Carl Scott Gilliard to abolish citizen's arrest in Georgia.

Resolved that the Secretary of Council be directed to send a copy of this resolution, with Explanation, to each Member of the Georgia General Assembly and to the Governor of the State of Georgia.

Explanation:

Ahmaud Arbery was on a jog in the early afternoon of Sunday, February 23, 2020, in the Satilla Shores neighborhood of Glynn County, Georgia. Members of the Satilla Shores citizen patrol, including recently retired law enforcement personnel, began pursuing Mr. Arbery with their pickup trucks and guns, including a gun issued by the Glynn County Police Department. Mr. Arbery was chased and terrorized throughout the neighborhood and ultimately shot to death in a public street.

Mr. Arbery was unarmed, wearing a t-shirt and jogging shorts. Glynn County Police Department officers came to the scene of the killing, but no arrests were made. For weeks thereafter, no arrests were made. Eventually, the State of Georgia prosecutor who was assigned to the matter reached back to Georgia's 1863 citizen's arrest law to determine that the citizen patrol's killing of Mr. Arbery had been a justifiable homicide.

It was only when video (which had all along been in the possession of law enforcement, including the State prosecutor) came to light that this position was no longer tenable, and the State of Georgia was forced to reverse course and to charge the citizen patrol with murder. In a matter of a few days, the State of Georgia had swung wildly, from calling the shooting death of Mr. Arbery *a justifiable homicide* to asserting straight-up *murder charges*.

Georgia's citizen's arrest law (cited by the State prosecutor to justify the killing of Mr. Arbery by the Satilla Shores citizen patrol, before worldwide attention forced the State to reverse course) was first enacted in the slavery era, soon after President Lincoln had issued the final Emancipation Proclamation on January 1, 1863. Anticipating a wave of fugitives from slavery claiming the freedom promised by the Proclamation, Georgia's 1863 citizen's arrest law was apparently designed to shore up the authority of private slave patrols to make arrests.

It is well past time to put an end to this legal relic from Georgia's slavery past. Fortunately, Georgia State House Representative Carl Scott Gilliard (District 162) has stepped up to lead the legislative effort to abolish citizen's arrest in Georgia.

Submitted by:

Max Hess, on behalf of St. Timothy's, Decatur