



Prepared Remarks
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American Civil Liberties Union of Georgia
House Judiciary Noncivil Citizen's Arrest Hearing
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10:00AM

Good Morning, my name is Christopher Bruce, and I am the Political Director for the American Civil Liberties Union of Georgia. The ACLU of Georgia is an organization dedicated to protecting the civil liberties of all Georgians, and Georgia's current citizen's arrest law puts those civil liberties at grave risk.

This is a law that not many have thought about in the past, but the senseless and horrific murder of Ahmaud Arbery showed our state and the world what can happen when dangerous, unnecessary, and antiquated laws go unaddressed. Georgia's citizen's arrest law is outdated and resulted in the unnecessary loss of Ahmaud Arbery's life, among countless others—whose names we know and whose names we may never know. It has historically allowed slave patrols and lynch mobs to take the law into their own hands. And today, it continues to permit people to weaponize their own racial biases and deprive innocent Georgians of their most basic liberties - freedom and life.

Georgia's citizen's arrest law was codified over 250 years ago. This law was enacted shortly after Georgia seceded from the Union and was fighting to preserve slavery during the Civil War. Citizen's arrest was enacted to give greater power to lynch mobs and slave patrols. It was enacted at the cusp of an era when Georgia had one of the highest rates of lynchings in the country, and there is no room for this type of law in our state today.

Georgia's citizen's arrest law grants the authority and responsibilities of law enforcement to untrained civilians. This leads to dangerous and deadly consequences, as everyday private citizens have not undergone the same training or certification, although current training is lacking, that law enforcement is required to complete. Private citizens are not expected to -- and often do not -- know de-escalation techniques, the difference between a felony and a misdemeanor, or the types of constitutionally protected rights an individual has when they have been arrested, are being arrested, or are being questioned in relation to an accusation of alleged unlawful activity. Further, private citizens most certainly do not understand the nuances regarding use of force and, more importantly, the use of deadly force. Thus, this antiquated law places an incredible burden on citizens while simultaneously lacking the legal accountability necessary to protect all Georgians from vigilantism.

Further, this law is even more unnecessary today, as law enforcement officials have an immense amount of resources. In fact, our state spends a superfluous amount of money

to fund law enforcement, spending nearly 5 billion dollars annually. Cops have a copious amount of resources; I'd imagine it'd be hard, even for law enforcement, to justify a need for private citizens to take on their duties. Preserving this law would not only uphold racism, but it would protect a baseless law that is inconsistent with the reality we live in today.

It is the ACLU of Georgia's recommendation that this body revise Georgia's citizen's arrest law. We believe it is in the best interest of this state and all Georgians to remove the ability for private citizens to make arrests. Our policy recommendation is to clarify the ability for shopkeepers to detain individuals whom they have reasonable and probable grounds to believe have unlawfully taken merchandise or goods from the retail establishment. We looked at Virginia statutes to help craft this provision of our policy recommendation. We also believe it is important to clarify the type of force that is allowed when a shopkeeper, or an employee of the retail establishment, affects a detainment.

Lastly, for the constitutional promise of "We the people" to truly mean all people, we must dismantle and revise laws that contribute to systematic racism and that are overall harmful and unnecessary. Because the most serious deprivation of liberty that a person can inflict is killing another individual. The irreversibility of a homicide means that any error discovered after a death has occurred cannot be corrected—as we saw with the heinous murder of Ahmaud Arbery. We must act now to address Georgia's citizen's arrest law as an important and necessary step towards ensuring that nothing like Ahmaud Arbery's murder ever happens again in our state.