



NEW YORK STATE SENATOR

Michael Gianaris

Gianaris & Gilliard Op-Ed in the Daily News: Ban Citizen's Arrests Once And For All

MICHAEL GIANARIS May 4, 2021

| ISSUE: CITIZEN'S ARREST, BLACK LIVES MATTER, AHMAUD ARBERY, POLICE REFORM, CRIMINAL JUSTICE REFORM



Just over a year ago, Ahmaud Arbery went for a run in his Georgia town — something the former high school athlete did frequently to keep in shape. As we now know, this otherwise innocuous exercise tragically ended with his death at the hands of two gun-toting vigilantes, self-appointed enforcers against a string of burglaries.

These aspirational keystone cops were armed with protection — not the guns they used to cut Arbery's life short, but the protection of the law. When the slaying occurred, a local prosecutor initially declined to file charges because he believed the killers were acting in accordance with Georgia's citizen's arrest law, which allows private civilians to pursue alleged suspects they have probable cause to believe committed a crime. The case was later handled by other law enforcement officials who have since [charged Arbery's killers, appropriately, with murder.](#)

We must repeal atrocious citizen's arrest laws. Each of us has authored measures in our respective states of [Georgia](#) and [New York](#) to do just that. These laws do not aid in the capture of fleeing suspects but rather increase the unjust and dangerous harassment of Black and Brown people in the name of public safety. New York's law goes even further, allowing someone implementing a citizen's arrest of a child to not only detain the young person, but take them to a court or police facility without even alerting their family — in effect, [legalized kidnapping](#) found in the Family Court Act.

The power of citizen's arrest has a long, tortured history. From its origins in medieval England, where it was created before organized law enforcement agencies existed, it was cemented in America during the colonial slave codes, through the [fugitive slave era](#) and [Jim Crow](#), enabling white citizens to further police Black people throughout the country.

We have seen what happens when Black communities are subject to over-policing. We have seen the headlines — in addition to Arbery, we know the names like Trayvon Martin, [Gilbert Drogheo](#) and even [others](#). To reduce the number of tragic encounters between people of color and armed private citizens acting with law enforcement imprimatur, we need to eliminate the ill-conceived notion of citizen's arrest laws.

It is hard enough to fight for a better system of justice when the police have too much power and privilege; it is nearly impossible when those powers and privileges extend to private citizens. If the police are incapable of adhering to laws governing use of force and when to execute arrests, it is no wonder ordinary Americans, often emboldened by a cartoonish understanding of citizen's arrests, instigate encounters that become dangerous and deadly.

The laws of this country too often promulgate systemic racism. Economic inequality forged by years of discrimination in housing and education, underrepresented communities of color resulting from voter suppression, and police violence against Black and Brown Americans all contribute to a system that unfairly treats people differently based on the color of their skin. In recent years, our nation has experienced a reckoning with this unforgivable history. This is the moment when we must put the lessons of our history into practice and reform our foundation to build a more just future.

These problems will not be fixed overnight, and we won't pretend passing just one law will do that. To dismantle this foundation of racism, we must start the overdue process of ripping out the most bricks of sanctioned terror and rebuilding the trust of people with their communities.

It's time we close the book on citizen's arrests once and for all. Efforts in Georgia, New York, South Carolina and quickly growing to other states aim to remove this inherently violent statute from legal codes. We need, and hope, every state in the nation takes up this mantle and takes steps to delete this archaic and racist law from the books. That's how we will begin creating a safer, more equal nation.

Gilliard is a member of the Georgia House of Representatives. Gianaris is a member of the New York State Senate, where he serves as deputy majority leader.

[Read the full op-ed at the New York Daily News here.](#)

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- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Abolishes citizens arrests; repealer

January 28, 2021

In Assembly Committee

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