



NATIONAL DISTRICT ATTORNEYS ASSOCIATION

FOR IMMEDIATE RELEASE

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NDAA Statement on District Attorney Recusal and Comments on Ahmaud Arbery Case

ARLINGTON, VA – The death of Ahmaud Arbery is a tragic loss of life that is now in the public eye as the details of the case unfold. The National District Attorneys Association (NDAA) has been closely following the handling of this case as it garners national media attention and places a spotlight on the role of the prosecutor in our criminal justice system. The NDAA continually strives to improve the criminal justice system by developing, teaching and maintaining best practices. It is in this vein that we must strongly disagree with District Attorney George Barnhill’s decision to share his opinion of whether Greg and Travis McMichael should be arrested after he decided to recuse himself from the case.

A prosecutor’s job is to objectively find the truth. If a prosecutor has a conflict of interest then he or she cannot objectively analyze the facts and the law. A prosecutor with a conflict of interest should not provide advice to law enforcement or to other prosecutors on whether there is probable cause for an arrest. Nor should a prosecutor give a lengthy analysis of the facts and the law that may prejudice a case in a court of law or in the court of public opinion.

In this case, District Attorney Barnhill determined he had a conflict in pursuing the investigation into Mr. Arbery’s death. At that point, his involvement should have ceased. Instead, District Attorney Barnhill wrote a letter, which has now become public, in which he offered a gratuitous and detailed opinion regarding the hurdles to any prosecution of the individuals involved in the shooting of Mr. Arbery.

These actions can have an intended or unintended ability to influence potential grand jurors or trial jurors, while also making the new special prosecutor’s job to objectively seek the truth significantly more difficult. No prosecutor should inject his or her opinion into a pending case to the point where she or he becomes a potential witness and risks compromising the just outcome of a case.

NDAA recognizes that District Attorney Barnhill has a long and distinguished career of public service. We also recognize the unbearable grief being suffered by the family of Mr. Arbery. While the public and the media may want answers on this case tomorrow, justice requires, in fact demands, a competent, thorough and fair examination of all the evidence and an outcome consistent with that evidence.

Formed in 1950, NDAA is the oldest and largest national organization representing state and local prosecutors in the country. With more than 5,500 members representing over two thirds of the state and local prosecutors’ offices, NDAA is recognized as the leading source of national expertise on the prosecution function and is a valuable resource for the media, academia, government, and community leaders. NDAA’s mission is to provide state and local prosecutors with the knowledge, skills, and support they need to ensure that justice is done and that public safety rights are protected.

Contact: Duffie Stone, President, National District Attorneys Association (703) 519-1666

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