

PRESS RELEASE
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Georgia Poised to Pass Unconstitutional “No Justice” Bill

ATLANTA GA – Although demand for prosecutorial accountability is increasing nationwide in cases where victims are shot by police, Georgia may replace normal grand jury investigations with a **prosecutor controlled** review. The review can shield Georgia “peace officers” from a standard investigation at a cost of justice for potential victims. The legislature is rushing to pass a new bill despite lacking power over grand jury procedures under the Constitution [\[Art I, Sec I, Para XI\]](#)

It all started after a 2015 in depth [study](#) found that at least **171 Georgians have been killed by law enforcement officials and none of them were prosecuted**. That [investigative series](#) found many of the victims that were killed had no criminal record, were unarmed, shot in the back and/or murdered after officers broke into their homes. The study concluded that unfairness in the investigations resulted from [prosecutorial misconduct](#) and [current unequal double standards](#) that shield Georgia “peace officers” when they are investigated by a grand jury for serious crimes.

The purpose of a grand jury is to determine whether there is **probable cause** to charge a person with a crime, **not to determine guilt or innocence** in a mini-trial. Georgia is the **only state in the union** where officers have a special right to testify when being investigated by a grand jury. **No other Georgia citizens have such a right**. The officer must be notified of the investigation, is allowed to listen to the entire hearing and can have an attorney present. **No other state has such a double standard because it violates equal protection clauses** of the U.S. and state constitutions including the one for Georgia. [\[GA: Art I, Sec I, Para III\]](#)

In February, Rep. Rich Golick and special prosecutor Chuck Spahos [introduced HB941](#), which retained the special officer testimony that is denied to other Georgia citizens. They claimed HB941 would “dial back” double standards by prohibiting officers from being present during the investigation and forcing them to be cross-examined. However, VoterGa Senate committee [testimony](#) showed that **their original bill achieved neither goal** since it did not prohibit officer presence and allowed them to avoid answering all questions. A Senate [substitute bill](#) made minor changes but left in place the [new unconstitutional double standards](#) that are even **worse** than existing Georgia law. When a request was made during testimony for legislative counsel to give an opinion as to whether or not the bill is constitutional, [Chairman Jesse Stone refused](#).

Several HB941 procedures were employed in a special investigation into the [murder of David Hooks](#) in Dublin Georgia. The special prosecutor and **HB941 procedures failed to return any indictment in the Hooks case**. In that case, a Laurens County deputy acted almost solely on the word of a burglar and meth addict who robbed Mr. Hooks home two days earlier. He obtained a search warrant for a late night break-in for the home of Teresa and David Hooks. Hooks was a military contractor with a security clearance and a grandfather with no criminal history. Mr. Hooks was shot 17 times, including twice in the back while lying face down on the floor.

The prosecutor who issued no indictments in the Hook murder is the man responsible for much of the HB941 bill language, Chuck Spahos. Consequently HB941 has been dubbed by victim advocates as the “*No Justice for David Hooks*” bill. Spahos was also involved in 3 bills last year that [attempted to legalize no knock search warrants](#) in Georgia code for the first time.