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Marion County Prosecutor Terry Curry requests special prosecutor appointment in the matter involving the death of Aaron Bailey

(Indianapolis, Ind.) Marion County Prosecutor Terry Curry announced today that he has filed a request with the court to appoint a special prosecutor to handle the investigation of the death of Aaron Bailey. Curry said he made the decision based on several factors, including his desire to reassure public confidence in the investigation by local officials. Curry further explained that he wanted to avoid any potential appearance of conflict in handling this investigation while prosecuting the defendant charged with the shooting death of Southport Police Department Lt. Aaron Allan.

Kenneth P. Cotter, Prosecuting Attorney of St. Joseph County, has been appointed by the court to handle the matter involving the death of Aaron Bailey.

Bailey was killed on June 29, 2017, when he was shot by IMPD officers during a traffic stop. Over the past two weeks, IMPD's criminal investigation and the coroner's report have been completed and received by the Marion County Prosecutor's Office. During the course of this investigation Prosecutor Curry met personally with family members of Mr. Bailey and their attorney. He also directed investigators assigned to the Prosecutor's office to follow up on information which may be pertinent to the investigation.

Prosecutor Curry released the following comments regarding this decision.

"Since the night of the death Mr. Aaron Bailey, I have met continuously with members of the community, and I have heard their concerns. I understand the gravity of this matter and how it may play a role in ongoing national tensions as well as the public's confidence in our local criminal justice system. By asking the court to appoint a special prosecutor, I want to assure the residents of Marion County that our office continually seeks justice while maintaining the highest of ethical standards and remaining accountable to the needs of the community.

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“The women and men of our office have spent the past six and a half years restoring and maintaining the integrity of the Marion County Prosecutor’s Office. I remain confident that our office is able to independently review accusations against any law enforcement officer, regardless of our partnership and respect for the more than 30 public safety agencies in this jurisdiction. Further, the experienced and talented trial attorneys in our office are prepared to handle the most sensitive and complex litigation.

“I cannot emphasize enough that the capacity and experience to investigate this matter by IMPD is unmatched in our state. I am confident in the department’s ability and commitment to investigate this matter thoroughly and appropriately. The decision announced today is in no way a reflection of my personal or professional belief otherwise.

“In Marion County, we should be proud of the work that has been done to build established relationships between public safety agencies and community leaders, our accessible office holders, and the respected leaders we have at IMPD in Chief Roach and the Marion County Sheriff’s Office in Sheriff Layton. As members of this community, we all share a responsibility to respect and uphold the virtue of due process for each and every person.”

It is the sole discretion of the court to order an appointment and to select a special prosecutor. Prospective special prosecutors can and do decline consideration for a variety of reasons. Now that the court has appointed a special prosecutor, further decisions on the handling of the investigation will be made by the appointed official, including whether the matter will be presented to a grand jury. Should a criminal case proceed either by a grand jury indictment or a charging decision by the special prosecutor, the Marion County Prosecutor’s Office would not be a party to the case and will not offer any further comment on the matter during the pendency of the case.