

## **RESOLUTION 22-2: Protection of Reproductive Rights & Freedom**

CAPS Resolution 22-2 expresses the concern of the Community Advisory on Public Safety Commission over the recent Dobbs decision and Indiana's Senate Bill 1, which will be referred to as SB1 hereafter.

**WHEREAS**, the Community Advisory on Public Safety Commission recommends the City of Bloomington honor the rights of pregnant peoples to bodily autonomy and control over their private medical decisions; and

**WHEREAS**, access to safe and legal abortion is a deciding factor in long-term health, safety, and quality of life; and

**WHEREAS**, the Supreme Court of the United States has overturned the 1973 landmark ruling, *Roe v. Wade*, which previously prevented individual states from directly banning such care; and

**WHEREAS**, on August 5th, 2022, Indiana Governor Eric Holcomb signed into law SB 1, which criminalizes abortion up to a Level 3 Felony with a small exception for rape and incest up to 10 weeks post fertilization, effective September 15th, 2022; and

**WHEREAS**, anti-choice legislators have weaponized the language of criminal law to stigmatize reproductive choice, and the Community Advisory on Public Safety Commission considers the phrase "abortion, miscarriage, or other reproductive healthcare act" to accurately encompass all criminalized acts under Indiana laws which seek to criminalize pregnancy outcomes; and

**WHEREAS**, people have a basic human right to medical treatment, up to and including abortion; and

**WHEREAS**, the failure in the United States health system has led to disproportionate health outcomes most notably affecting Black and Brown people; and

**WHEREAS**, eliminating legal access to abortion has been empirically proven to dramatically increase the risk of death, bodily injury, and infertility, especially within low-income communities, the LGBTQIA+ community, undocumented people, and/or communities of color such as African, African American, Asian, Black, Latino/a, Middle Eastern and North African, Native American, Pacific Islander, and Slavic; and

**WHEREAS**, the resources of the City must always be dedicated to the health and wellbeing of its residents; and

**WHEREAS**, the City Council and the City of Bloomington have repeatedly demonstrated their commitment to abortion access in the release of the letter '*Local Public Officials*'

*Statement on the Reversal of Roe v. Wade* (dated July 1, 2022) and Resolution 22-15 – *Expressing Support for the Protection of Reproductive Rights* (dated August 17, 2022); and

**WHEREAS**, in the 1973 *Roe v. Wade* majority opinion, Supreme Court Justice Harry Blackmun stated, “[The] right of privacy, whether it be founded in the Fourteenth Amendment’s concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment’s reservation of rights to the people, is broad enough to encompass a [person’s] decision whether or not to terminate [their] pregnancy”; and

**WHEREAS**, the right to privacy should protect doctors, patients, and all others providing abortion-related medical care from any criminal investigation related to decisions made within the healthcare provider-patient relationship so long as those decisions occur without coercion, force, or negligence; and

**WHEREAS**, equitable access to abortion care requires financial and logistical support, most often provided by abortion funds, practical support organizations, and volunteers who the State has targeted for providing these services; and

**WHEREAS**, the City has a responsibility to protect its residents from any violation of their human rights and any criminalization of the free exercise thereof;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY ADVISORY ON PUBLIC SAFETY COMMISSION THAT THE FOLLOWING POLICIES AND ACTIONS BE RECOMMENDED TO THE MAYOR AND COMMON COUNCIL FOR ADOPTION BY THE CITY:**

The City of Bloomington formally condemns any action intended to abrogate the fundamental liberties of its people and affirms its commitment to protecting the right of its residents to make reproductive health decisions, including abortion care, for themselves.

**BE IT FURTHER RESOLVED:**

It is recommended that the policy of the City be that, except to the extent otherwise required by state or federal law, City funds will not be used to:

- Store or catalog any report of an abortion, miscarriage, or other reproductive healthcare act; or
- Provide information to any other governmental body or agency about any abortion, miscarriage, or other reproductive healthcare act, unless such information is provided to defend the patient’s right to abortion care or the healthcare provider’s right to provide that care; or
- Conduct surveillance or collect information related to an individual or organization for the purpose of determining whether an abortion has occurred, except for aggregated data without personally identifying information or personal health information which is

collected for purposes unrelated to a criminal investigation, enforcement, or prosecution.

**BE IT FURTHER RESOLVED:**

- The City of Bloomington will work towards funding and supporting a recurring annual donation of \$75,000 to be split equally between Planned Parenthood and All-Options to help people with reproductive healthcare, gynecological healthcare, and/or parent-related expenses.
- As SB1 will increase the need for additional resources, we ask that ongoing funds be considered for yearly distribution during the annual budget cycle.
- The City of Bloomington should support channels that offer free legal aid for healthcare providers and others to ask questions in confidence about how best to protect themselves from legal retaliation while still providing or receiving healthcare needs.

**BE IT FURTHER RESOLVED:**

The policy stated above does not apply in cases where coercion or force is used against the pregnant person, or in cases involving conduct criminally negligent to the health of the pregnant person seeking care.

**BE IT FURTHER RESOLVED:**

It is the policy of the City that the investigation or support for the prosecution of any allegation, charge, or information relating to the outcome of a given pregnancy, including abortion and abortion-related care, or any party thereto, will be the lowest priority for enforcement and the use of City resources and personnel, except in cases (a) where coercion or force is used against the pregnant person, (b) of criminally negligent conduct involving the health of the pregnant person seeking care, or (c) where the abortion, miscarriage, or reproductive healthcare is not the crime being investigated but evidence of another crime.

**BE IT FURTHER RESOLVED:**

The Commission recommends that the Bloomington Common Council and Mayor John Hamilton take appropriate steps to adopt a similar resolution as presented here by the Community Advisory on Public Safety Commission. May they also provide an oral presentation and written report on the implementation of the Resolution, including changes to policies and procedures, at the City Council's next regular session; and the Mayor should return to the Council for authorization of any needed policy clarifications in the event of future changes to federal law, state law, or technology that affects this Resolution.

PASSED by the Community Advisory on Public Safety of the City of Bloomington, Monroe County, Indiana, upon this day 22 of August 2022.

4-1  
Jason A. Mitchell

Co-chairs, Community Advisory on  
Public Safety Commission

Citation:

1. Blackmun, Harry A, and Supreme Court Of The United States. U.S. Reports: Roe v. Wade, 410 U.S. 113. 1972. Periodical. <https://www.loc.gov/item/usrep410113/>
2. City of Austin, Texas. Grace Act Policy Draft. June 2022. <http://assets.austintexas.gov/austincouncilforum/E0-20220624105310.pdf>
3. City of Bloomington, Indiana. Res 22.15 [Expressing Support for the Protection of Reproductive Rights](#), August 17, 2022; signed version forthcoming – link to be added here:
4. National Institute for Reproductive Health, State and Local Leaders Must Act Now for Abortion Justice State and Municipal Funding for Abortion, April 2022. <https://www.nirhealth.org/wp-content/uploads/2022/05/State-and-Local-Funding-for-Abortion-Access.pdf>

Additional commentary

A similar resolution was originally presented and passed in the City of Austin, Texas on July 21st, and has since been edited to reflect Bloomington, Indiana.

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