



January 26, 2021

Senate Corrections and Criminal Law
Indiana General Assembly
200 W. Washington St.
Indianapolis, IN 46202

Chairman Young and committee members:

Thank you for allowing Indiana Black Expo, Inc. to provide written testimony regarding its strong opposition to Senate Bill 194.

IBEF has enjoyed our relationship with law enforcement in the state of Indiana for 30+ years. We have partnered with The Indiana State Police, Indianapolis Metropolitan Police Department, Marion County Sheriff's Department, Department of Homeland Security and other public enforcement officials to secure our events and logistically help us showcase the state of Indiana and the city of Indianapolis to visitors from across the country. We consider many members in these departments our friends. Within the last three years, in our advocacy for criminal justice reform we have also acknowledged that respect and trust is a two-way street. There are serious issues of trust within our community that have to be reckoned with even as we recognize the need for officer safety. IBEF has publicly admonished those who would threaten violence against police officers even as we have challenged the disproportionate use of force against Black Hoosiers.

It is incumbent upon our legislature during these unsettling times to advance community-centered policy solutions to equip communities and police departments with best practices and 21st century policing models to increase trust, fairness, justice and mutual respect between our police departments and the communities they serve. Last year's public protests across the country and throughout our state are a response not only to unjust policing of Black people but are a cry for action to our public officials for structural change. SB194 appears to be the exact opposite of the types of social justice reform policies that Hoosiers are seeking.

The relevant section of SB194 reads:

A person who recklessly, knowingly, or intentionally engages in conduct that is likely to provoke a reasonable person to commit battery commits provocation, a Class C infraction. **However, the offense is a Class C misdemeanor if the victim is a public safety official acting within the scope of the public safety official's duties.**

As previously stated, we strongly agree that if an officer is assaulted by a citizen there should be consequences. Fortunately, Indiana Code adequately provides for such consequences. IC 35-42-

2-3 and IC 35-44.1-2-13 stipulate that “A person who recklessly, knowingly, or intentionally engaged in conduct that is likely to provoke a reasonable person to commit battery commits provocation, a Class C infraction.” Consequently, we do not believe this bill is necessary as written.

Upon research, the charge of battery against a police officer in a limited number of jurisdictions has drawn criticism for overuse particularly in cases where officers fear the person arrested will claim police brutality. The charge can cover resisting arrest or incidents where demonstrators clash with police during protests. Our concern is that there is lack of real distinction between passive resistance like slumping to the ground or even where a person panics and resists without even touching or hitting an officer versus active resistance against an officer’s actions. Also, will the officer alleging battery be allowed to solely claim and investigate such crime or will another witness have to corroborate such allegation? Lastly, such a charge, even if dismissed, may impede an individual from being hired by a future employer that might look at their record and think they are a violent person if they assaulted a police officer. Because individuals in minority communities are disproportionately more likely than white people to experience toxic or even deadly encounters with police, the very subjective and even bias charges that are likely to stem from this law will continue to widen the justice gap that exists for Black and Brown people.

For the reasons stated, we believe SB194 is bad policy and strongly oppose its passage. This bill sends the wrong message during this critical time for healing and will only intensify the lack of trust among community and law enforcement.

Respectfully,

Tanya Bell Mckinzie

Tanya Bell Mckinzie
President & CEO
Indiana Black Expo, Inc.