

2025



ANTI-REPRODUCTIVE- RIGHTS CRIMES

Guidelines



CA COMMISSION ON POST

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POST
Anti-Reproductive-Rights Crimes Guidelines

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Introduction

In November of 2022, Californians passed Proposition 1, Constitutional Right to Reproductive Freedom enshrining the right to abortion and contraception in our state constitution. In addition, California passed the largest bill package expanding reproductive rights and protecting reproductive healthcare providers and patients in the history of the state. These laws build upon California’s Reproductive Privacy Act, Reproductive Rights Law Enforcement Act, California Freedom of Access to Clinic and Church Entrances (FACE) Act, and other state and local laws designed to protect reproductive healthcare providers and their patients from anti-reproductive rights crimes.

California law requires that people have access to abortion care, family planning, and other sexual and reproductive healthcare services safely, confidentially, and in a timely manner, without harassment, threats, or fear of bodily harm. Law enforcement has a critical role in protecting the provision of reproductive health care services in California. These guidelines provide information to assist law enforcement agencies to enforce the California Freedom of Access to Clinic and Church Entrances Act.

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Glossary of Terms

Definitions of the following terms stem from a variety of sources including commonly known meanings, legal source books, and Webster’s New World Dictionary.

Anti-reproductive-rights crime

[PC §13776\(a\)](#) – A crime committed partly or wholly because the victim is a reproductive health services patient, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or a class of persons or entities from becoming or remaining a reproductive health services patient, provider, or assistant.

Buffer Zone

Specifically defined public areas surrounding health care facilities where demonstrations or access are restricted or sharply limited. These zones often cover the vicinity of public entrances, so that doorways and driveways may not be blocked. Some buffer zone ordinances create “fixed buffer zones,” or areas where people may not protest, regardless of whether patients are entering or exiting a clinic at the time. The zones are usually “fixed” in relation to a clinic’s entrances, exits, and driveways, and they prohibit anyone who is not a clinic employee or a patient from standing within a certain radius of those points.

Check your local ordinances and appendix.

Bubble Zone

Some buffer zone ordinances create “no approach zones” (or “bubble zones”), which protect the person seeking entrance to a health care facility by prohibiting or limiting demonstrations or attempts to speak with that person within a certain distance of that person when they are within a certain distance from a reproductive health care facility.

Doxing

To publicly identify or publish private information about (someone) especially as a form of punishment or revenge.

Injunction

A writ or order from a court prohibiting a person or group from carrying out a given action, or ordering a given action to be done.

Intimidate

[PC §423.1\(c\)](#) – To place a person in reasonable apprehension of bodily harm to themselves or to another.
Examples: Distribution of “WANTED posters”; following patients or providers to and from vehicles and to and from clinic; harassing phone calls, emails, letters, and social media posts; targeting clinic staff or volunteers at their homes, children’s schools, places of worship (short of stalking).

Nonviolent	<u>PC §423.1(d)</u> – Conduct that would not constitute a crime of violence.
Physical Obstruction	<u>PC §423.1(e)</u> – Rendering ingress to or egress from a reproductive health services facility or to or from a place of religious worship impassable to another person, or rendering passage to or from a reproductive health services facility or a place of religious worship unreasonably difficult or hazardous to another person.
Reproductive Health Services	<u>PC §423.1(f)</u> – Reproductive health services provided in a hospital, clinic, physician’s office, or other facility and includes medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
Reproductive Health Services Patient, Provider, or Assistant	<u>PC §423.1(g)</u> – A person or entity, including, but not limited to employees, staff, volunteers, and third party vendors, that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that other person’s request, to obtain or provide services in a reproductive health services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate, a reproductive health services facility.
Reproductive Health Services Facility	<u>PC §423.1(h)</u> – Includes a hospital, clinic, physician’s office, or other facility that provides or seeks to provide reproductive health services and includes the building or structure in which the facility is located.
Residential Picketing Ordinance	Local laws designed to protect individuals, including reproductive health care providers, from targeted demonstrations and to prevent harassment and intimidation outside their homes.
Violence	<u>PC §423.1(a)</u> – An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.



Guidelines

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1 Anti-Reproductive Rights Crimes

Anti-reproductive rights crimes are defined as crimes committed partly or wholly because the victim is a reproductive health services patient, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services patient, provider, or assistant. [PC §13776 (a)]

The California Freedom of Access to Clinic and Church Entrances Act (FACE Act)

The FACE Act penalizes any person who physically obstructs, uses force or threat of force, or intentionally records without consent, any person, with the specific intent to intimidate that person from becoming or remaining a reproductive health services patient, provider, or assistant. (PC §423.2)

Regarding the security of reproductive health care clinics, the FACE Act can be violated in at least four ways. These are the required elements to prove a person violated the FACE Act:

- A. By force, threat of force, or physical obstruction that is a crime of violence [PC §423.2(a) First Violation Misd.], Subsequent violations possible Felony.
 1. Intentionally injured, intimidated, or interfered with clinic patients, providers, or assistants or attempted to do so; and
 2. Committed this act:
 - a. Because that person or entity is a reproductive health services patient, provider, or assistant; or
 - b. To intimidate a person or entity, or a class of persons or entities, from becoming or remaining a reproductive health services patient, provider, or assistant.
- B. By nonviolent physical obstruction [PC §423.2(c) First Violation Misd., Subsequent violations possible Felony..]
 1. Intentionally injured, intimidated, or interfered with, clinic patients, providers, or assistants, or attempted to do so; and
 2. Committed this act:
 - a. Because that person or entity is a reproductive health services patient, provider, or assistant; or

- b. To intimidate a person or entity, or a class of persons or entities from, becoming or remaining a reproductive health services patient, provider, or assistant.

Example: A group of subjects enters a clinic lobby or property who are not patients of the facility and cause a disturbance therefore, intimidating staff and patients, but upon contact with law enforcement agree to leave the property. In this case, an arrest for PC §423.2(c) would be appropriate.

- C. Intentionally damaged or destroyed property [PC §423.2(e) First Violation Misd., Subsequent violations possible Felony..]
 1. Of a person, entity, or facility, or attempted to do so; and
 2. Committed this act because the person, entity, or facility is a reproductive health services patient, provider, assistant, or facility.
- D. Intentionally videotaped, filmed, photographed, or recorded by electronic means (PC §423.2 (g) First Violation Misd., Subsequent violations possible Felony.)
 1. Within 100 feet of the entrance to, or within a reproductive health services facility;
 2. A reproductive health services patient, provider, or assistant without that person's consent;
 3. With the specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant; and
 4. Thereby caused the person to be intimidated.

Crimes Relating to Reproductive Health Services Facility

Prohibition on Posting Personal Information with the Intent to Incite Others to Commit a Crime of Violence or a Threat of Violence (Gov. Code §6218.01 Misd.):

1. Posting on the internet or social media the personal information or image of a reproductive healthcare services patient, provider, or assistant, or other individuals residing at the same home address; and
2. Committing this act with the intent that another person imminently uses that information to commit a crime involving violence or a threat of violence against such person.

Reproductive Health Services Facility Obstruction (PC §602.11 Misd.): To intentionally prevent an individual from entering or exiting a healthcare facility by physically detaining the individual or physically obstructing the individual's passage.

Explosive Devices at a Healthcare Facility or Educational Event (PC §11413 Felony): To explode, ignite, or attempt to explode or ignite any destructive device or any explosive, or commit arson, in or about any health facility or place at which a lecture, film, or private meeting that educates about abortion practices is being held with the intent to terrorize someone else or with reckless disregard of terrorizing someone else.

Crimes Against Reproductive Healthcare Providers and Patients

Vandalism (PC §594 Felony or Misd.): Damaging, destroying, or defacing real or personal property. Damages from multiple incidents—even if there are multiple victims—can be aggregated to charge the offense as a felony if the incidents of vandalism were not “separate and distinct.”

Trespass [PC §602(o) Misd.]: Refusing or failing to leave private property, not open to the general public upon being asked to leave by the owner or a peace officer.

Unlawful Assembly (PC §407 Misd.): When two or more persons assemble to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner. The intent to act in an unlawful manner may be formed either before or during the assembly.

Remaining at an Unlawful Assembly After a Warning to Disperse (PC §409 Misd.): Staying at an unlawful assembly after being warned to disperse.

Refusing to Disperse Upon Lawful Command [PC §416(a) Misd.]: Two or more persons that assemble to disturb the peace, or commit any unlawful act, and do not disperse on being commanded so to do by an officer.

Reporting/Sending False “Bombs” (PC §148.1 Felony or Misd.): To report to the occupant of a building that a bomb or explosive has been or will be placed in any public or private place, knowing the report is false. Even a statement about a bomb that is “not seriously made or understood” can be a basis for a violation of this statute.

Stalking (PC §646.9 Felony or Misd.): A person who willfully and repeatedly follows or harasses another person and makes a credible threat—verbally, in writing, or by electronic communication with the intent to place them in reasonable fear for their safety, or the safety of their family.

Criminal Threats (PC §422 Felony or Misd.): Threatening, verbally, in writing, or by means of an electronic communication device, another person with death or great bodily injury with the intent that it be taken seriously, even if the perpetrator does not actually intend to carry it out.

Interference with the Exercise of Civil Rights (PC §422.6 Misd.): Certain factual scenarios involving anti-abortion actors could satisfy the elements of a hate crime offense. There must

be evidence that the victim's perceived gender was a motivating factor for the crime. An example could be a perpetrator screaming sexist epithets.

Hate Crime Enhancements (PC §422.75 Felony, PC §422.7 Misd.): If a person commits a crime and was motivated in part by the fact of that the victim's perceived gender was a woman, they are eligible for a sentence enhancement.

Obscene or Threatening Telephone Call or Electronic Contacts [PC §653 m(a) Misd.]: Making a telephone call or electronic contact, with the intent to annoy or harass, and using obscene language or uttering a threat to inflict injury to the person, their property, or their family member. The statute applies to calls, emails, text messages, and postings on social media.

Annoying Telephone Calls or Electronic Contacts [PC §653m(b) Misd.]: Making repeated telephone calls or electronic contacts with the intent to annoy or harass.

Electronic Harassment [PC §653.2(a) Misd.]: Electronic publication of another person's personal identifying information, their image, or a harassing message, with the intent to place them in fear of their safety or the safety of their family. The statute applies to postings on social media.

Online Impersonation (PC §528.5 Misd.): Credibly impersonating another person on a website or other electronic means for the purpose of harming, intimidating, threatening, or defrauding them. Each separate use of a victim's identifying information constitutes a new crime.

2 Law Enforcement Responsibilities

Prohibited Activities

Individuals in states with restrictive abortion laws may try to have law enforcement in California arrest, extradite, obtain, or share information about individuals for abortion-related activities that are legal here.

Examples of such activities may include procuring, providing, or obtaining a prescription for mifepristone or misoprostol (abortion pills) and the taking of such medication; the use of the internet, or web-based or phone-based apps to procure, provide, or obtain such medication or a surgical abortion; self-managed abortion, or providing or obtaining in-clinic or self-managed abortion without medical or other justification (as defined by the demanding state).

In making their requests, they may not disclose the fact that their request is about abortion-related activity by characterizing it as, for example, child endangerment, child abuse, drug abuse, concealing a death, or murder.

Arrests and Information Sharing

1. Officers are prohibited from arresting or participating in the arrest of someone for performing, obtaining, or helping someone obtain a legal abortion in California. [PC §13778.2, subd.(a)]

Note: this requirement also applies to out of state warrants.

2. Officers are prohibited from cooperating with or providing information to any individual, agency, or department from another state about a legal abortion in California. Sharing such information with federal law enforcement agencies is also not permitted, unless required by federal law. [PC §13778.2, subd.(b)]
3. Officers may not arrest individuals based on their actions or omissions with respect to their pregnancy or actual, potential, or alleged pregnancy outcome, including miscarriage, stillbirth, or abortion, or perinatal death due to causes that occurred in utero, nor a person who aids or assists a pregnant person in exercising their rights. [Health & Safety Code §123467, subds (a)-(b).]
4. Prison staff shall not disclose identifying medical information related to an incarcerated person's right to seek and obtain an abortion if the information is being requested based on another state's laws or foreign penal civil action that interfere with a person's reproductive rights. [PC §3408(r).]

Search Warrants, Wiretaps, Pen Registers, and Trap and Trace Devices

Officers shall not seek a search warrant, wiretap, pen register, or trap and trace device, that pertain to an investigation into a "prohibited violation" [PC §629.52, subd. (e), 638.52, subd. (m), 1524, subd. (h)] A "prohibited violation" is defined as any violation of law that creates liability for either providing, facilitating, or obtaining an abortion that is lawful under California law, or intending or attempting to provide, facilitate, or obtain an abortion that is lawful under California law. [PC §629.51, subds. 5(A)-(B), 638.50, subd.(d).]

Note: Law enforcement may still obtain a search warrant in the investigation of a sex trafficking case, for example, where a victim is forced to have an abortion against her will. This would be a form of reproductive coercion and is not lawful in California.

Out of State Warrants

1. Officers are prohibited from arresting or participating in the arrest of someone for performing, obtaining, or helping someone obtain a legal abortion in California. [PC §13778.2, subd.(a)]

Governor Newsom issued Executive Order N-12-22 that ensures California will not extradite individuals who provide reproductive healthcare to out-of-state patients here, or other persons in California who assist out-of-state patients in seeking reproductive healthcare in California.

Examples of activity that may involve the provision of reproductive healthcare services can include:

- Procuring, providing, or obtaining a prescription for mifepristone or misoprostol and the taking of such medication;
- The use of the internet or web or phone-based apps to procure such medication; and
- Providing or obtaining in-clinic or surgical abortion without medical or other justification (as defined by the demanding state).

The out-of-state warrant may list crimes such as child endangerment, child abuse, drug use, or murder. Officers are encouraged to further investigate the underlying facts to ensure they are not violating this statutory prohibition and Order.

2. If an arresting agency files a verified complaint under PC §1551 regarding the extradition of an individual taken into custody on the basis of an out-of-state warrant, the filing agency must, **within 24 hours, electronically transmit to the Attorney General's office a complete copy of the verified complaint**, the out-of-state indictment, information, complaint or judgment, out-of-state warrant, and the affidavit upon which the out-of-state warrant was issued. [PC §1551(b)]. These materials should be sent to Extradition@doj.ca.gov.

Law Enforcement Reporting Requirements

The Reproductive Rights Law Enforcement (RRLE) Act [PC §13777 (a)(2)(A)-(C)] requires law enforcement agencies to provide to the Department of Justice the total number of:

1. Anti-reproductive-rights crime-related calls for assistance made to local law enforcement agencies; and,
2. Arrests for anti-reproductive rights crimes, by category (PC §423.2).

As of June 30, 2022, law enforcement agencies are required to report Anti-Reproductive Rights Crimes to the Attorney General monthly, through either the California Incident Based Reporting System (CIBRS) or BCIA 8370 and 8371 forms (Appendix 2).

In addition, law enforcement agencies are required to develop, adopt, and implement written policies and standards for officers' responses to anti-reproductive rights calls by January 1, 2023 (PC §13778.1).

3 Training

Consistent with existing policy, law enforcement agencies should train officers on the following:

- Local, state, and federal laws (i.e., Freedom of Access to Clinics Act) regarding anti-reproductive-rights crimes, First Amendment rights, and reproductive rights of patients (Appendix 1) List of relevant statutes).
- Mandatory compliance with the reporting of anti-reproductive-rights crimes to the Department of Justice (Appendix 2).
- Department policies and procedures regarding related crimes.
- Requirement to restrict sharing any information about legal abortions in California with law enforcement from other states or federal agencies.
- The need to examine any out-of-state arrest warrant to determine if it relates to an abortion that is legal in California, prior to taking any person into custody or accepting bail based on an out-of-state warrant. Law enforcement agencies should be aware that there is no obligation that they make an arrest based on an out-of-state warrant and contact the California Attorney General's Office if they have any questions regarding an out-of-state warrant.

Note: The warrant may not clearly state that the offense is related to an abortion. It could appear as an offense such as child endangerment, child abuse, or murder.

- Use caution when applying for authorization from a magistrate to intercept electronic communications or wires, to install trap and trace devices, or for warrants on behalf of other states to ensure they are not seeking information related to abortions that are legal under California law.

Consistent with existing policy, dispatchers should be trained in the following:

- Pertinent local, state, and federal laws regarding anti-reproductive-rights crimes.
- Specific response protocol, if applicable.

4 Collaboration and Communication

Consistent with existing policy, the following strategies should be considered to most efficiently handle anti-reproductive-rights crimes:

- Communicate regularly with reproductive healthcare service providers.

- Consider mutually beneficial activities such as security assessments, active shooter training, or other non-event emergency related activities with reproductive healthcare service providers.
- Offer guidance and appropriate trespassing enforcement authorization forms to reproductive healthcare facilities and personnel.
- Designate a liaison at the supervisor level to lead all communications with the reproductive healthcare service providers.
- Establish a collaborative relationship with organizations that monitor anti-abortion activities and crimes.
- Exchange of information among law enforcement agencies concerning anti-reproductive rights trends occurring at events in nearby jurisdictions or on social media.
- Establish collaborative arrangements among law enforcement agencies, legal liaisons, judges, local prosecutors, U.S. Attorneys, and jails.
- Regular communication with business owners, property owners, and residents in areas affected by anti-reproductive rights related conflicts regarding community perspectives, concerns, and suspicious persons or activities.

5 Event and/or Protest Planning

Agencies should review their existing policy regarding civil disturbances and/or demonstrations when preparing for a scheduled or unscheduled event at a reproductive healthcare service facility. Reproductive health facilities staff may be a valuable resource regarding anticipated activities and information, including prior events and patterns.

6 Event and/or Protest Guidelines

Following a situational assessment for an event, law enforcement agencies should assign officers as primary contacts to both the event organizers and the reproductive healthcare service facility, consistent with existing policy, to ensure their issues and needs are fully addressed.

Different officers should be assigned to the reproductive healthcare service provider, pro-reproductive rights demonstrators, anti-reproductive rights demonstrators, and, if applicable, to legitimately interested parties (e.g., media, business owners, or residents) in order to:

- Outline mutually acceptable behavior.
- Discuss and distribute relevant laws with consultation by respective agency legal advisors.
- Establish the currency and validity of court orders and/or injunctions.

Officers responding to an event or protest should check with the reproductive healthcare service facility to see if an event response kit has been prepared. A kit may include relevant items such as injunctions and contact information for the service provider manager or owner.

7 Boundaries

When handling events or protests, law enforcement officers should clearly mark injunction or law enforcement zones according to any valid court order, local ordinance, statute, or permit, consistent with existing policy. Law enforcement should be familiar with any ordinances, court orders, or injunctions prohibiting willfully and knowingly approaching any person seeking to enter such a facility within a specified distance of the entrance of a reproductive healthcare facility. Law enforcement should also mark a 100-foot boundary line from the clinic, consistent with PC §423.2, subdivision (g) concerning videotaping, filming (livestreaming), photographing, or recording with the specific intent to intimidate.

8 Arrest Procedures

When handling events at reproductive health service facilities, law enforcement officers should conduct arrests consistent with existing policy.



Appendices

Appendix 1

Statutory Laws Pertaining to Anti-Reproductive-Rights Crimes

PART A: State Laws

California Penal Code:

- [§ 13776\(a\)](#) Anti-Reproductive Rights Crimes Defined
- [§ 423](#) California Freedom of Access to Clinic and Church Entrances (FACE) Act
- [§ 13775-8](#) Reproductive Rights Law Enforcement (RRLE) Act

Additional Crimes Related to Anti-Reproductive Rights Investigations:

- [§ 148.1](#) Reporting/sending false “bombs”
- [§ 407](#) Unlawful assembly
- [§ 409](#) Remaining at an unlawful assembly after a warning to disperse
- [§ 416](#) Refusing to disperse upon lawful command
- [§ 422](#) Criminal threats with death or great bodily injury serious intent
- [§ 528.5](#) Online impersonation for purpose of harming, intimidating, threatening or defrauding them
- [§ 594.4](#) Vandalism; structure; noxious or caustic chemicals or substances
- [§ 602\(o\)](#) Trespass; refusing to leave private property upon being asked by the owner or police officer to leave.
- [§ 602.11](#) Obstructing passage to or from healthcare facilities, places of worship or schools
- [§ 646.9](#) Stalking; repeatedly follows or harasses and makes a credible threat to place them or their family in fear for their safety
- [§ 653m\(a\)](#) Obscene or threatening telephone call or electronic contact
- [§ 653m\(b\)](#) Annoying telephone calls or electronic contacts
- [§ 653.2\(a\)](#) Electronic harassment; electronic publication of another person’s identifying information, image, or harassing message with intent to cause fear
- [§ 11413](#) Terrorism; use of destructive device or explosive or commission of arson in certain places

California Civil Code:

- [§ 3427-3427.4](#) Commercial blockade at a healthcare facility

California Government Code:

- [§ 6215-6215.5](#) Address confidentiality for reproductive healthcare service providers, employees, volunteers, and patients
- [§ 6218.01](#) Prohibition on posting personal information with the intent to incite others to commit a crime of violence or a threat of violence

Appendix 1

Statutory Laws Pertaining to Anti-Reproductive-Rights Crimes

PART B: Federal Laws

United States Code:

[§248](#), *Freedom of Access to Clinic Entrances (FACE) Act of 1994*

This federal law imposes criminal and civil penalties on anyone who uses “force, threat of force, or physical obstruction” to prevent a person from providing or receiving reproductive health services. Every federal appellate court has upheld the Federal FACE Act.

PART C: Constitutional and Related Case Laws

United States Constitution – First Amendment:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Case Law:

The US Supreme Court ruled 6-3 that the First Amendment right to free speech was not violated by a Colorado law limiting protest, education, distribution of literature, or counseling within eight feet of a person entering a healthcare facility (“buffer zone”).

[Hill v. Colorado](#), 530 U.S. 703, U.S. Supreme Court, June 28, 2000.

PART D: Local Laws

The following are examples of local ordinances. Please verify your local laws.

Bubble and Buffer Zone Ordinances:

Los Angeles – Municipal Code, ch. V, art. 6.1

Napa – Municipal Code tit. 12, ch. 12.72

Oakland – Municipal Code tit. 8, ch. 8.521

Sacramento – County Code §9.110.030; City Code §12.96.020

San Diego – Municipal Code §52.1001

San Francisco – Police Code art. 43, §4304

San Jose – Municipal Code §10.08.030

Santa Barbara – Municipal Code §9.99

Residential Picketing Ordinances:

Davis, California Davis Municipal Code §35.06

Glendale, California Glendale Municipal Code §9.20.080

Huntington Beach, California Huntington Beach Municipal Code §9.20.030

Irvine, California Irvine Municipal Code §414.104, 414.107 (2002)

Los Angeles, California Los Angeles Municipal Code, ch. 5, art. 6.1, §56.45(e) (5th ed., 1997)

Monrovia, California Code of Ordinances, tit. 9, ch. 9.20

Riverside, California Riverside Municipal Code §8.54.010, 9.54.030-9.54.050 (1999)

San Diego, California San Diego County Code §311.103

San Jose, California San Jose Municipal Code §10.09.010

Santa Ana, California Santa Ana Municipal Code §10110

Solana Beach, California Solana Beach Municipal Code §7.38.010-7.38.020

Tustin, California Tustin Municipal Code §§6510-6520

Appendix 2

Reporting Procedures for Anti-Reproductive-Rights Crimes

This section includes the following ARRC reporting materials:

- [Appendix 2-A](#) **Data Collection Worksheet**
- [Appendix 2-B](#) **Data Collection Worksheet (BCIA 8371) Instructions**
- [Appendix 2-C](#) **Monthly Report – Summary Worksheet**
- [Appendix 2-D](#) **Face Act – Quick Reference**
- [Appendix 2-E](#) **Face Act – Field Guide**



STATE OF CALIFORNIA
BCIA 8371
(Orig. 5/02; Rev. 3/09)

DEPARTMENT OF JUSTICE
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ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC) DATA COLLECTION WORKSHEET

[Print Form](#)
[Reset Form](#)

ADMINIS- TRATION	Preparer's Name				Telephone Number					
	Agency				NCIC Number		Date			
INCIDENT INFORMATION	Occurrence Date		Time		Crime Case Number		Total Number of Individual Victims		Total Number of Property Victims	
	ARRC Offenses(s)									
	Statute (Code Section)		Literal				Level (M/F)		Number of Victims/Property	
	1. _____									
	2. _____									
	3. _____									
	4. _____									
	5. _____									
	6. _____									
	7. _____									
8. _____										
9. _____										
10. _____										
Location Type (check one) ☐ Public Health Facility ☐ Government/Public Building ☐ Religious Facility ☐ Private Health Facility ☐ Parking Lot/Garage ☐ School/College ☐ Commercial/Office Building ☐ Residence/Home/Driveway ☐ Other _____										
If Weapon Involved, Check Type (up to 3) ☐ Firearm (type unknown) ☐ Blunt Object (club, hammer, etc.) ☐ Drugs/Narcotics ☐ Handgun ☐ Motor Vehicle (when used as a weapon) ☐ Asphyxiation (by drowning, strangulation, suffocation, gas, etc.) ☐ Rifle ☐ Personal Weapons (hands, fists, feet, etc.) ☐ Unknown ☐ Shotgun ☐ Poison ☐ Other _____ ☐ Other Firearm (machine gun, bazooka, etc.) ☐ Explosives ☐ Knife/Cutting Instrument (ax, ice pick, screwdriver, switchblade, etc.) ☐ Fire/Incendiary Device										
VICTIM INFORMATION	V1 Race		Sex ☐ M ☐ F		Date of Birth		Victim Type		Victim Of (refer to statute list above) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10	
	V2 Race		Sex ☐ M ☐ F		Date of Birth		Victim Type		Victim Of (refer to statute list above) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10	
	V3 Race		Sex ☐ M ☐ F		Date of Birth		Victim Type		Victim Of (refer to statute list above) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10	
	V4 Race		Sex ☐ M ☐ F		Date of Birth		Victim Type		Victim Of (refer to statute list above) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10	
	V5 Race		Sex ☐ M ☐ F		Date of Birth		Victim Type		Victim Of (refer to statute list above) ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10	



STATE OF CALIFORNIA
BCIA 8371
(Orig. 5/02; Rev. 3/09)

DEPARTMENT OF JUSTICE
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**ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
DATA COLLECTION WORKSHEET**

PROPERTY	Property Type	Type of Loss or Damage ☐ None ☐ Burned ☐ Destroyed/Damaged/Vandalized ☐ Stolen			Quantity	Value
	Property Description or Property Category Code					
	Property Type	Type of Loss or Damage ☐ None ☐ Burned ☐ Destroyed/Damaged/Vandalized ☐ Stolen			Quantity	Value
	Property Description or Property Category Code					
	Property Type	Type of Loss or Damage ☐ None ☐ Burned ☐ Destroyed/Damaged/Vandalized ☐ Stolen			Quantity	Value
	Property Description or Property Category Code					
SUSPECT INFORMATION	S1	Race	Sex ☐ M ☐ F ☐ Unknown	Date of Birth or Age		
	S2	Race	Sex ☐ M ☐ F ☐ Unknown	Date of Birth or Age		
	S3	Race	Sex ☐ M ☐ F ☐ Unknown	Date of Birth or Age		
	S4	Race	Sex ☐ M ☐ F ☐ Unknown	Date of Birth or Age		
	S5	Race	Sex ☐ M ☐ F ☐ Unknown	Date of Birth or Age		

LEGEND

RACE/ETHNICITY CODES

A - Other Asian
B - Black
C - Chinese
D - Cambodian
F - Filipino
G - Guamanian
H - Hispanic
I - American Indian
J - Japanese
K - Korean
L - Laotian
O - Other
P - Pacific Islander
S - Samoan
U - Hawaiian
V - Vietnamese
W - White
Z - Asian Indian
X - Unknown

VICTIM TYPE CODES

IC - Individual Client
IE - Individual Employee
IO - Individual Other

PROPERTY TYPE CODES

B - Business
G - Government
H - Health Facility
OE - Other Entity
R - Religious Organization

PROPERTY CATEGORY CODES

1 - Automobiles
2 - Bicycles
3 - Buses
4 - Clothes/Furs
5 - Computer Hardware/Software
6 - Office-type Equipment
7 - Other Motor Vehicles
8 - Personal Items Other Than Clothing (Purses/Handbags/Wallets)
9 - Radios/TVs/VCRs/DVRs
10 - Structures - Single Occupancy Dwellings
11 - Structures - Other Dwellings
12 - Structures - Other Commercial/Business
13 - Structures - Public/Community
14 - Structures - Other
15 - Other

ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
Data Collection Worksheet (BCIA 8371) Instructions

Requirement:

The Data Collection Worksheet (BCIA 8371) should be completed and submitted only if there are ARRCs to report for your agency.

NOTE: It is the purpose of this legislation to collect data on **any** crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant.

Frequency:

At the end of the month, enter the total number of ARRCs reported to your agency on the Summary Worksheet (BCIA 8370) and attach a completed Data Collection Worksheet (BCIA 8371) for each ARRC. If there are no ARRCs to report, submit only the Summary Worksheet (BCIA 8370).

Submit these forms by the 10th working day for the preceding month (for example, July data should be submitted by the 10th working day in August).

ADMINISTRATION:***Preparer's Name***

Enter the name of the person who prepared the form and whom should be contacted regarding questions.

Telephone Number

Enter the area code and telephone number of the person to be contacted if questions arise.

Agency

Enter the name of your agency.

NCIC Number

Enter your agency's ORI/NCIC number. Agencies should abbreviate the nine-character NCIC code by using the fourth through seventh character of the NCIC code. For example, if your NCIC number is "CA0570100," report "5701" only.

Date

Enter the date prepared.

INCIDENT INFORMATION:***Occurrence Date***

Enter the month, day, and year of occurrence.

Time

If known, enter the time of occurrence in military 24-hour time.

ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
Data Collection Worksheet (BCIA 8371) Instructions

Crime Case Number

Enter the number assigned by your agency used to identify each report uniquely, e.g., the Originating Agency Case Number.

Total Number of Individual Victims

Enter the total number of individual victims involved in the incident.

Example: The suspect assaulted an employee at a reproductive health services facility. The suspect also broke the window of the reproductive health services facility. Report "1" victim (the employee) in the "Total Number of Individual Victims" box.

Total Number of Property Victims

Enter the total number of property victims involved in the incident.

Example: Referring to the example above, report "1" property victim (the reproductive health services facility) in the "Total Number of Property Victims" box.

Statute (Code Section) Attach additional sheets of paper if needed.

Enter all ARRC offenses involved (up to 10) in the ARRC incident. If there are more than 10 ARRC offenses involved in an incident, enter the 10 most serious offenses. Record each statute code only once even though there may have been more than one victim per offense. Report the exact statute (Penal Code, Health and Safety Code, etc.), section number, and appropriate subsection.

Literal

Enter a short description of the statutory code section.

Level

Enter the level of the code section involved ("M" for misdemeanor or "F" for felony).

Number of Victims/Property

Enter the number of victims for each offense which were perpetrated against him/her during the incident.

Example: During a protest an unruly participant refuses requests to leave the grounds of a health facility. The participant also shoves two clients walking into a reproductive health services facility and then breaks a window of the building. The participant is arrested for 423.2 (A) PC, 423.2 (E) PC, and 602.1(A) PC. Enter 423.2 (A) PC, 423.2 (E) PC, and 602.1 (A) PC in the Statute Code Section fields.

ARRC Offense(s) Statute (Code Section)	Literal	Level (M/F)	Number of Victims/Prop
1. 423.2(A) PC	violence/etc: reproductive health client	M	2
2. 423.2(E) PC	intentionally damage property:repro health svcs	M	1
3. 602.1(A) PC	trespass:obstruct/etc. business operations/etc.	M	1

ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
Data Collection Worksheet (BCIA 8371) Instructions

Location Type

Select a location type to show where the ARRC offense took place. If the location does not fit into one of the categories listed, select "other" and enter the location.

If Weapon Involved

Choose up to three types of weapons/force used by the suspect. If the weapon does not fit into one of the categories listed, select "other" and enter the weapon.

VICTIM INFORMATION: *Attach additional sheets of paper if needed.***Race**

Enter the victim's race using the race/ethnicity codes provided in the legend.

Sex

Enter the victim's sex.

Date of Birth

Enter the victim's date of birth (mm/dd/yyyy).

Victim Type

Enter the appropriate victim type code:

IC=Individual Client (reproductive health services client)

IE=Individual Employee (reproductive health services employee)

IO=Individual Other (individual not fitting the above specifically listed individuals)

Victim Of

For each victim, select the boxes of the offenses (numbered in the statute code section) which were perpetrated against them during the incident.

PROPERTY: *Attach additional sheets of paper if needed.***Property Type**

Enter the appropriate property type code:

B Business

G Government

H Health Facility (includes hospital, physician's office, abortion clinic, family planning clinic, etc.)

OE Other Entity (represents acts directed at entities which do not fit in any of the other categories)

R Religious Organization (or building associated with a specific religious group)

Type of Loss or Damage

Select the type of loss or damage to the property. For each type of loss or damage, up to 10 property descriptions or property categories (see legend) can be reported.

ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
Data Collection Worksheet (BCIA 8371) Instructions

Quantity

Report how many properties were burned, stolen, destroyed, etc., as a result of the incident.

Value

Report the dollar value of the property, which was burned, stolen, destroyed, etc., as a result of the incident. Up to 10 values can be entered to match the up to 10 property descriptions. If more than 10 types of property are involved, the values of the nine most valuable properties are to be reported; then, the total value of the remaining properties which were coded "other" are to be combined and reported as one total.

Property Description or Property Category Code

For each type of property loss, up to 10 property descriptions or property category codes (see legend) can be reported. If more than 10 types of property are involved, the nine most valuable specifically listed types of property are to be reported and the remaining types of property are to be combined and reported as "other."

SUSPECT INFORMATION: *Attach additional sheets of paper if needed.*

Race

Enter the suspect's race using the race/ethnicity codes given in the legend. If the suspect information is unknown, enter "X" (unknown).

Sex

Enter the suspect's sex. If the suspect information is unknown, select "unknown."

Date of Birth or Age

Enter the suspect's date of birth or approximate age. If unknown, leave blank.

STATE OF CALIFORNIA DEPARTMENT OF JUSTICE

**MONTHLY REPORT OF ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC)
SUMMARY WORKSHEET**

BCIA 8370 (rev. 11/06)

AGENCY	
NCIC NUMBER	REPORTING MONTH/YEAR
☐ THERE WERE _____ ARRCs REPORTED TO THIS DEPARTMENT FOR THIS MONTH (Attach Data Collection Worksheets) ☐ THERE WERE NO ARRCs REPORTED TO THIS DEPARTMENT FOR THIS MONTH	
PREPARER'S NAME	TELEPHONE NUMBER
SUBMIT THIS SUMMARY SHEET WITH THE ARRC DATA COLLECTION WORKSHEET(S), IF ANY, TO: State of California Department of Justice CRIMINAL JUSTICE STATISTICS CENTER P.O. Box 903427 Sacramento, CA 94203-4270 ATTN: Anti-Reproductive-Rights Crimes	

Purpose:

It is the intent of the Department of Justice to:

- Collect data on all crimes relating to violations of the Reproductive Rights Law Enforcement Act.
- Collect data on the threatened commission of anti-reproductive-rights crimes and persons suspected of committing these crimes or making these threats.
- Distinguish between crimes of violence and non-violence.

INSTRUCTIONS FOR COMPLETION:

SUBMIT ANTI-REPRODUCTIVE-RIGHTS CRIMES (ARRC) AS DEFINED IN PENAL CODE SECTION 13776 (A). SEE REVERSE SIDE OF THIS FORM FOR PENAL CODE STATUTES TO BE USED WHEN COMPLETING THIS FORM.

NOTE: *It is the purpose of this legislation to collect data on any crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant.*

Requirement:

This form should be submitted monthly whether or not an ARRC occurred.

Frequency:

Submit monthly, by the 10th working day for the preceding month (for example, July data should be submitted by the 10th working day in August).

Reporting # of ARRCs:

If there are ARRCs to be reported by your agency, check the first box and enter the total number of ARRCs for the reporting month. Attach Data Collection Worksheets for each ARRC reported.

If there were no ARRCs to report, check the second box and submit the Summary Worksheet only.

The following Penal Code Sections are to be used when completing this form and the Data Collection Worksheet (BCIA 8371):

Section 423.1 PC (Definitions)

The following definitions apply for the purposes of this title:

- (a) "Crime of violence" means an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another.
- (b) "Interfere with" means to restrict a person's freedom of movement.
- (c) "Intimidate" means to place a person in reasonable apprehension of bodily harm to herself or himself or to another.
- (d) "Nonviolent" means conduct that would not constitute a crime of violence.
- (e) "Physical obstruction" means rendering ingress to or egress from a reproductive health services facility or to or from a place of religious worship impassable to another person, or rendering passage to or from a reproductive health services facility or a place of religious worship unreasonably difficult or hazardous to another person.
- (f) "Reproductive health services" means reproductive health services provided in a hospital, clinic, physician's office, or other facility and includes medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.
- (g) "Reproductive health services client, provider, or assistant" means a person or entity that is or was involved in obtaining, seeking to obtain, providing, seeking to provide, or assisting or seeking to assist another person, at that other person's request, to obtain or provide any services in a reproductive health services facility, or a person or entity that is or was involved in owning or operating or seeking to own or operate, a reproductive health services facility.
- (h) "Reproductive health services facility" includes a hospital, clinic, physician's office, or other facility that provides or seeks to provide reproductive health services and includes the building or structure in which the facility is located.

Section 423.2 PC (Elements of Offense)

Every person who, except a parent or guardian acting towards his or her minor child or ward, commits any of the following acts shall be subject to the punishment specified in Section 423.3.

- (a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant....
- (c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant....
- (e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility....

Section 13776 PC (Definitions)

- (a) "Anti-reproductive rights crime" means a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant, or a crime that is partly or wholly intended to intimidate the victim, any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider, or assistant. "Anti-reproductive rights crime" includes, but is not limited to, a violation of subsection (a) or (c) of Section 423.2.

Things to Consider Asking or Noting in Report During Investigation

- Who was harmed? - Repro. Health Services Provider, Patient, Assistant
- How were they harmed? - Injured, Intimidated, Interference
- What property was damaged or destroyed (of facility or person)?
- What is the Distance/Proximity to Reproductive Health Services Facility?
- What was the Distance/Proximity to the Victim when incident/threat/photo/etc. occurred? (Think "buffer zone")
- Establish Knowledge/Intent of Suspect (specific intent crime):
 - Signage at Facility?
 - Signage Suspect is holding says?
 - Reason suspect there today?
 - Suspect lives? (Local or out of town)
 - Suspect known to provider? (i.e. Repeat Offender)
 - Specific Statement/Threat said to victim?
 - Intimidation: was the victim intimidated? How?



F.A.C.E. ACT (P.C. 423.2)

P.C. 423.2(a) - Violent Obstruction - the use or attempted use, or threat of use of physical force against person or property

P.C. 423.2(c) - Nonviolent physical obstruction

BOTH Violent Obstruction and Nonviolent Obstruction look for:

- Intentionally injured, intimidated, or interfered with clinic patients, providers, or assistants
 - Because that person or entity is a reproductive patient, provider, or assistant **OR** to intimidate a person or entity, or a class of person or entities from becoming or remaining a reproductive health services patient, provider, or assistant

P.C. 423.2(e) - Intentionally damaged or destroyed property

P.C. 423.2(g) - Intentionally videotaped/filmed/photographed/recorded

- Within 100 feet of entrance
- Taken of a patient, provider, or assistant, without consent
- To intimidate & person was intimidated
- **Intimidate defined (P.C. 423.1(c))** - to place person in reasonable apprehension of bodily harm to self or another.

P.C. 423.2(h) - Intentionally disclosed or distributed a videotape/film/photo/recording

FIELD GUIDE: Anti-Reproductive-Rights Crimes & FACE Act

1. OVERVIEW

The California FACE Act (PC §423.2) criminalizes actions intended to intimidate or obstruct access to reproductive healthcare facilities. This field guide provides officers with a concise summary of violations.

2. FACE ACT VIOLATIONS (PC §423.2)

- Force/threats of force against patients or providers
- Nonviolent physical obstruction (e.g., blocking entrances)
- Intentional property damage (clinic or provider-related)
- Recording within 100 feet of a facility with intent to intimidate

3. QUICK FIELD CHECKLIST

- ☐ Within 100 ft of facility?
- ☐ Intent to intimidate?
- ☐ Recording without consent?
- ☐ Blocking access?
- ☐ Property damage?
- ☐ Fear or disruption caused?

4. RELATED PENAL CODE VIOLATIONS

- PC §594 – Vandalism
- PC §602(o) – Trespass
- PC §407 – Unlawful Assembly
- PC §653m – Threatening Communications
- PC §422 – Criminal Threats
- PC §11413 – Explosives at Health Facilities

5. OFFICER RESTRICTIONS – DO NOT:

- Arrest anyone for legal abortion-related activity in CA (PC §13778.2) – Per Penal Code §13778.2, California will not cooperate with out-of-state investigations or prosecutions for reproductive healthcare services that are lawful in California.
- Share info about legal abortions with out-of-state/federal agencies – AB 2091 and SB 107 limit disclosure of reproductive health information, especially when related to legal care within California.
- Seek warrants for legal abortion activity in California (PC §1524(h), §629.52(e)) – Penal Code §§1524(h) and 629.52(e) prohibit such warrants for reproductive care legal under California law.

- Arrest based on out-of-state warrants for legal reproductive care – California law prohibits cooperation with other states’ efforts to criminalize legal reproductive care provided or received in California.

6. REPORTING REQUIREMENTS

- Report all anti-reproductive-rights crimes monthly to DOJ (CIBRS or BCIA 8370/8371)
- Include calls for service, arrests, and types of conduct (intimidation, threats, damage)

REMINDER: Always verify facts in out-of-state warrants before any arrest or detention.