



VIEW VIDEO

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USING THIS GUIDE

This companion Learner's Guide is intended to assist in the delivery of the video material in an interactive and thought-provoking manner. It provides suggestions to help facilitate most sections of the video. The goal is for the learner to engage in consideration of the topic and how it relates to them and to their agency.

CHAPTER CONTENTS

ABOUT THIS VIDEO

The *Anti-Reproductive Rights Crimes* training program is designed for all California law enforcement agencies and will focus on instructing peace officers in California's Reproductive Privacy Act, Reproductive Rights Law Enforcement Act, California Freedom of Access to Clinic and Church Entrances (FACE) Act, and the appropriate criminal codes therein as identified in POST Guidelines. Officers will understand their responsibilities and best practices for investigating and providing appropriate evidence and context to support criminal investigations.

This program uses scenarios, discussion, and subject matter interviews to highlight key points throughout the lesson and meets the requirements of CPC 13776(a) for law enforcement training.

GUIDE CONTENTS

The learner should review all video and guide materials in this course. This guide may be used for additional resources and information. At the conclusion of the facilitated discussions, learners should focus on resources available for affected personnel and any specific agency policies related to the subject.

Chapters

Each chapter features a brief overview and Key Learning Points to assist with quick review of the material during presentation. The scenario tab appears at the start of each section and indicates a video scenario that is used for the section. The discussion follows the scenario and depicts a facilitated discussion of the scenario with peace officers from around the state. The interview tab contains interviews with subject matter experts who provide additional discussion on the material. Each chapter contains an on-screen visualization of key learning points and one or more knowledge check questions with key informational points.

The Individual Viewing mode will receive CPT credit for viewing this video upon completion of the program. **To receive credit**, the learner watches the video, completes each chapter knowledge check, and completes the end of course assessment. Credit will be awarded via EDI upon successful completion.

KEY
LEARNING
POINTS

CHAPTER 1: UNDERSTANDING THE LAW AND LEGAL RESPONSIBILITIES

We hear from several experts regarding the history of violence directed at reproductive health care clinics and specific laws, such as the federal and California FACE Act (Freedom of Access to Clinic Entrances Act), that were passed to protect these establishments and the people who access them.

- “Anti-reproductive rights crimes” (ARRC) are 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 a class of persons or entities from becoming or remaining a reproductive health services patient, provider, or assistant (CPC 13776(a)).
- Crimes require specific intent that may be demonstrated by suspect’s actions and speech.
- The Freedom of Access to Clinic Entrances (FACE) Act of 1994 is a federal law that prohibits the use of force, threat of force, physical obstruction to injure, intimidate, or interfere with anyone obtaining or providing reproductive health care services.
- In 2002, California enacted the California Freedom of Access to Clinic and Church Entrance Act (FACE Act) which created CPC 423.2 and mirrored federal law.
- The California State Constitution Article 1, Section 1.1 states that access to reproductive healthcare is a protected right.
- “Anti-reproductive-rights crimes” includes, but are not limited to, a violation of subdivision (a), (c), (e), (g), or (h) of Section CPC 423.2 and involves:
 - Intentionally injuring, intimidating, or interfering with clinic patients, providers, or assistants, or attempting to do so, and
 - Because that person or entity is a reproductive patient, provider, or assistant or
 - Intimidating a person or entity, or a class of person or entities from becoming or remaining a reproductive health services patient, provider, or assistant.



- CPC 423.2 prohibits the following key actions at reproductive health care facilities:
 - (a) Suspect has by force, threat of force or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with patients, providers, and assistants
 - (c) Suspect has by nonviolent physical obstruction interferes with access
 - (e) Suspect intentionally damaged or destroyed property related to facility or person associated with facility
 - (g) Suspect intentionally videotaped, filmed, photographed or recorded by electronic means a reproductive health care patient, assistant or staff within 100 feet of entrance to or within facility.
 - (h) Suspect intentionally disclosed or distributed a videotape, film, photograph or recording, knowing it was in violation of (g) to intimidate.
- A patient is someone seeking care, no matter the type of care sought.
- An “assistant” is someone assisting a patient, like a friend, relative, or a non-clinician escort
- FACE act violations and related calls for service, must be reported by law enforcement agencies to the CA Attorney General on a monthly basis (CPC 13777(a)(2)(A)-(C)).
- FACE Act violations under CPC 423.2 are considered “wobbler” crimes, depending on the severity of actions and/or suspect history.
- California state laws and shield protections prevent CA law enforcement from assisting or enforcing investigations and actions from out of state investigations.
 - Interstate law can create conflict when serving arrest or search warrants in CA for reproductive rights crimes.
 - For example, an action in another state is criminalized, but action is legal and protected in CA.
 - Serving the arrest warrant in CA, or assisting other state’s law enforcement personnel may be prohibited in CA.
 - Extradition may be specifically precluded.



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- Some local jurisdictions have local ordinances that expand the physical buffer zones (also referred to as bubble or safety zone) beyond the law's 100 feet restriction for videotaping with the intent to intimidate (CPC 423.2(g)).

How is an "Anti-Reproductive Rights Crime" defined, and what is the scope of its protection?

- An ARRC is defined as a crime committed partly or wholly because the victim is a reproductive health services client, provider, or assistant,
- Criminal action identified in CPC 423.2 OR other criminal action (vandalism, stalking) intended to intimidate these individuals or entities from becoming or remaining associated with such services.
- The scope of protection is broad, covering individuals like clients, providers, and assistants (including family members or clerical staff). It also protects facilities such as clinics and even adjacent businesses. ARRCs can happen in various locations, not just clinics, including homes, cars, and supermarkets.

What distinguishes between protected speech and unlawful acts in the context of ARRCs?

- While recognizing and respecting the rights of protesters to freedom of speech, this law focuses on unlawful conduct, like physical obstruction (violent or non-violent), entering to disrupt operations, illegally videotaping or posting recordings with the intent to intimidate, intimidating or interfering conduct, threats of force, and property damage.



SCENARIO	CHAPTER 2: PROTECTING REPRODUCTIVE RIGHTS AND BUILDING COMMUNITY PARTNERSHIPS <i>Officers respond to a reproductive health clinic for a report of trespassers in the clinic waiting room. When they arrive, the trespassers have left but surveillance video shows a large group disrupting the clinic and harassing the patients, assistants, and staff. While officers discuss the potential crimes involved, the waiting room invasion video recorded by protestors is posted to the Internet.</i>
KEY LEARNING POINTS	• Establishing Law Enforcement-Healthcare Partnerships ○ Building relationships with healthcare providers. ○ Designating department liaisons for reproductive healthcare providers (Executive level responsibility). ○ Regular training updates and community engagement. • Understanding Victim Needs and Challenges ○ The victims of these crimes can include a wide variety of people including patients, medical staff, and persons assisting patients to receive care (including a family member or friend). ○ Victims can also be businesses or people not actually affiliated with the clinic or care, but who are perceived by the suspect(s) and selected for victimization because of that affiliation. An example might be a neighboring business vandalized with graffiti. ○ Reporting parties and victims frequently deal with these situations on a daily basis and generally call for law enforcement assistance only when the scene becomes untenable or violent. ○ Victims may hesitate to engage with law enforcement for a number of reasons including cultural or religious stigma, societal conflict, and the fear of being publicly acknowledged. ○ Addressing healthcare provider staff concerns (Repeat offenders, incidents, escalation, lack of response, and not being familiar with FACE Act violations). • Remaining professional and objective ○ Recognizing common misconceptions



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- Ensuring neutrality and professionalism in enforcing constitutional protections
 - Any indication of personal bias may be exposed in court
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What are the potential types of crimes involved in ARRCs, and how might seemingly minor incidents escalate?

- ARRCs can include various offenses, categorized into three main types: force or threat of force, physical obstruction, and property crimes.
 - Specific examples include criminal threats, vandalism, arson, trespassing, and assault.
 - Minor incidents, such as vandalism or obstruction, can escalate into more serious crimes, including terrorist threats and violence.
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What are some key indicators law enforcement officers should be aware of that might suggest potential violence or specific intent in an ARRC situation?

- Officers should look for indicators such as changes in protester attire (e.g., paramilitary or military-looking garb used to get "psyched up"), influx of out-of-state license plates in the area, recent trauma in the perpetrator's life, and actions occurring on anniversary dates related to abortion rights.
 - Identifying specific intent is crucial for these crimes, so officers should ask questions to determine the state of mind and objective of the suspect. Understanding the context of the crime, including signage, symbols, or language used, is also important.
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SCENARIO	CHAPTER 3: RECOGNIZING AND RESPONDING TO ANTI-REPRODUCTIVE RIGHTS CRIMES <i>A patient and her assistant drive into the parking lot of a clinic through a line of protesters. When they exit the car, a protestor begins arguing with the patient's assistant. The protestor makes statements that are meant to intimidate both the assistant and patient as they attempt to enter the clinic. Officers are called to investigate.</i>
KEY LEARNING POINTS	• Specific crime sections identified by the FACE Act are not the only criminal actions possible. • Stalking, criminal threats, vandalism, arson, bombings, and murder of clinic staff and other persons involved in reproductive rights treatment may also occur. • Invasions of clinic spaces, along with organized tactics may connect these crimes to other extremist groups not normally associated with anti-reproductive rights activities. • Intimidation via online threats and digital harassment is a common tactic. Some groups and individuals may post videos and inflammatory materials to support their ideology. • Be mindful of escalating threats and recognize increasingly threatening harassment as an indicator to intervene. • Use the “pathways to violence” stages to analyze indicators. • Peaceful protests that do not block access or threaten any of the identified categories of people, are generally protected under the 1st Amendment • Video recording in public spaces is limited within 100 feet of clinic entrances and may be further restricted by local ordinance or “buffer” laws. • Utilize best practices and be mindful of officer safety while practicing good de-escalation techniques • Victims and witnesses may be hesitant to discuss incidents or report crimes. Interview victims and workers in private settings if possible and not in front of suspected protestors. Use open-ended questions and trauma-informed interview techniques to ensure trust and obtain statements



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Why is thorough and detailed documentation critical in ARC cases, especially concerning specific intent?

- Thorough documentation is critical for case prosecution and building cases, especially against repeat offenders.
- ARRCs are specific intent crimes, meaning the perpetrator must have a particular state of mind (intent to intimidate or interfere).
- Detailed reports, including information about the context, actions, language used (like threats), and the demeanor of both the suspect and the victim, help demonstrate this specific intent and build the case for prosecution

What are effective strategies for interviewing victims and gathering information at an ARRC incident?

- Officers should use open-ended, bias-sensitive questions during interviews to assess potential bias motivation.
 - Gather specific details, such as:
 - Who was harmed,
 - How they were harmed (injured, intimidated, interfered with),
 - What property was damaged, and
 - Specific actions or words used.
 - Documenting the victim's demeanor (e.g., crying, shaking) can also be important evidence.
 - Building victim trust early is crucial for long-term safety and successful investigations, and victims should be informed that reporting can be voluntary and confidential.
 - Officers can use reference cards questions to ensure they gather all necessary details
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SCENARIO KEY LEARNING POINTS	CHAPTER 4: INVESTIGATING AND DOCUMENTING FOR PROSECUTION <i>Officers respond to the scene of a protester walking across the apron of a clinic driveway to slow an entering vehicle. When the vehicle slows, other protesters converge on the vehicle and talk to the driver. Officers interview clinic staff, review video, and speak with the protester about her actions.</i> • Gather all available evidence at the scene ○ Surveillance footage, telephone videos, and statements by all parties are essential. ○ Remember that digital evidence must be collected in a timely manner. • Identification and collection of historic information including: ○ Increasing escalation of behavior ○ Repeat offenders ○ Prior documentation of incidents • Document all intimidation and threats against medical providers. • Non-criminal incidents should be documented to demonstrate patterns and support future prosecutions. • Using the ARRC reference card will improve investigation and thorough report writing. • Thorough report writing, evidence collection, as well as taking photographs of the scene will aid in effective prosecution. • Work through court liaisons and with prosecutors for successful case outcomes. • Victim reluctance can be a factor to overcome and important to document to articulate intimidation or fear. • Work with local, state, and national resources. ○ Neighboring agencies may have additional details. ○ State DOJ or other agencies may also have intelligence or prior case information. ○ National level data may be available for significant cases. • Underreported cases contribute to lower statistics and perception there are no ARRC related incidents.
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- Keep in mind that special reporting requirements exist for these crimes with timelines to report to CA DOJ. Reports should be flagged to ensure reporting requirements are met.

What practical tools and resources are available to assist officers in responding to and documenting ARRC incidents?

- Peace officers have reference cards that list relevant laws (like the FACE Act and CA PC 423.2) and recommended questions to ask.
- Resources for continued learning, such as online training, POST guidelines, and contact information for legal and victim advocacy groups.

How would the learners identify and promote collaboration with stakeholders?

- Answers will vary depending on geographic location in the state:
 - Stakeholders include variety of groups including legal liaisons with family planning groups, other policing agencies, prosecutors, and other community partners.
 - Victim impact statements provide community perspectives and add a human face to the issue.
 - Essential to collaborate with all stakeholders to building cases, and leverage intelligence supporting prosecutions.
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CONCLUSION	CHAPTER 5: CASE STUDY
TESTIMONIAL:	<i>Testimonial of investigating officer Sgt. Jerad Korte, Costa Mesa Police Department</i>
KEY LEARNING POINTS	• Officers' role in enforcing reproductive rights laws effectively involves effective investigation, thorough documentation, state-level reporting, and case referral for prosecution. • Pre-established relationships with community clinic personnel can be helpful in investigations and information gathering. • Collaborating with federal partners and other community members can assist in case resolution. • Continued training and identification of field resources is vital. • Reporting calls for service and arrests related to FACE Act violations to DOJ assists in intelligence gathering to deter future threats.



NOTES AND COMMENTS	
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