

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL ADDITIONS:
ANTI-REPRODUCTIVE RIGHTS
CRIMES**

DATE: January 17, 2023

APPROVED

Memo #2023-002

BACKGROUND

Effective January 1, 2022, [Assembly Bill 1356 \(link\)](#) – Protecting Reproductive Health Clinic Patients states every law enforcement agency must develop, adopt, and implement written policies and standards for officers' responses to anti-reproductive rights calls by January 1, 2023 (Penal Code section 13778.1).

On June 13, 2022, California Attorney General Rob Bonta released an Information Bulletin regarding [Reproductive Rights Law Enforcement Act \(link\)](#), which states, in part:

The Department of Justice has received reports that crimes and incidents that interfere with the exercise of reproductive rights have escalated. California law requires that people have access to abortion care, family planning, and other sexual and reproductive health care services safely, confidentially, and in a timely manner, without harassment, threats, or fear of bodily harm.

On June 22, 2022, the Department released Training Bulletin #2022-015 - [California Freedom of Access to Clinic and Church Entrances \(FACE\) Act and the Reproductive Rights Law Enforcement Act \(link\)](#), which notes various definitions related to Penal Code section 423.1 and elements for guidance on the prosecution of Penal Code section 423.2.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*.

L 9024

ANTI-REPRODUCTIVE RIGHTS CRIMES DEFINITION:

Added 01-17-23

California Penal Code section 13776(a) defines an anti-reproductive-rights crime as 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."

L 9025

ANTI-REPRODUCTIVE RIGHTS CRIMES TERMS:

Added 01-17-23

"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.

"Interfere with" means to restrict a person's freedom of movement.

"Intimidate" means to place a person in reasonable apprehension of bodily harm to themselves or to another.

"Nonviolent" means conduct that would not constitute a crime of violence.

"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.

"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.

"Reproductive health services patient, provider, or assistant" means 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" 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.

L 9026

ELEMENTS OF ANTI-REPRODUCTIVE RIGHTS CRIMES:

Added 01-17-23

Penal Code section 423.2 provides the following acts shall be considered Anti-Reproductive Rights Crimes when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- 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 patient, provider, or assistant, or in order to

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

- By non-violent 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 patient, 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 patient, provider or assistant.
- 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 patient, provider, assistant, or facility.
- Within 100 feet of the entrance to, or within, a reproductive health services facility, intentionally videotapes, films, photographs, or records by electronic means, a reproductive health services patient, provider, or assistant without that person's consent with specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant, and thereby causes the person to be intimidated. This provision does not apply to a person acting as a member of the news media as described in subdivision (b) of Section 2 of Article I of the California Constitution.
- In any manner or forum, including, but not limited to, internet websites and social media, intentionally discloses or distributes a videotape, film, photograph, or recording knowing it was obtained in violation of subdivision (g) with the specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant, and thereby causes the person to be intimidated. For purposes of this subdivision, "social media" means an electronic service or account, or electronic content, including, but not limited to, videos or still photographs, blogs, video blogs, podcasts, instant and text messages, email, online services or accounts, or internet website profiles or locations. This provision does not apply to a person acting as a member of the news media as described in subdivision (b) of Section 2 of Article I of the California Constitution.

L 9027

RESPONDING TO ANTI-REPRODUCTIVE RIGHTS CRIMES:

Added 01-17-23

When investigating crimes involving reproductive rights, Department members should:

- Remain sensitive to the victim's trauma and needs of the victim
- Complete a thorough investigation
- Ensure medical care is provided, when necessary
- Take appropriate enforcement action
- Preserve the crime scene and evidence
- Collect and process all evidence and search the scene
- Complete a General Offense Report (Form 200-2A-AFR) of the incident; and
- Make notifications through the chain of command.

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January 17, 2023

Page 4

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.

A handwritten signature in black ink, appearing to read 'A. Mata', is positioned above the printed name and title.

Anthony Mata
Chief of Police

AM:SD:JJ