



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: CALIFORNIA FREEDOM OF
ACCESS TO CLINIC AND CHURCH
ENTRANCES (FACE) ACT**

DATE: June 22, 2022

Bulletin# 2022-015

On June 7, 2022, the Department of Homeland Security released a National Terrorism Advisory System Bulletin regarding a [Summary of the Terrorism Threat to the United States](#) [REDACTED] that states, in part:

Given a high-profile U.S. Supreme Court case about abortion rights, individuals who advocate both for and against abortion have, on public forums, encouraged violence, including against government, religious, and reproductive healthcare personnel and facilities, as well as those with opposing ideologies.

On January 1, 2002, California enacted the [Freedom of Access to Clinic and Church Entrances \(FACE\) Act \(link\)](#) that created [Penal Code section 423 \(link\)](#).

On June 13, 2022, California Attorney General Rob Bonta released an Information Bulletin regarding [California Freedom of Access to Clinic and Church Entrances Act and the Reproductive Rights Law Enforcement Act \(link\)](#) that 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.***

Attorney General Bonta provided the following elements for guidance on prosecution of Penal Code section 423.2. These are applicable to every person who commits these acts, except a parent or guardian acting towards their minor child or ward.

- **[423.2(a) PC] The defendant, by force, threat of force, or physical obstruction that is a crime of violence:**
 - a. intentionally injured, intimidated, or interfered with clinic patients, providers, or assistants or attempted to do so; AND
 - b. committed this act either:

- i. because that person or entity is a reproductive health services patient, provider, or assistant; OR
 - ii. 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.
- **[423.2(c) PC] The defendant, by nonviolent physical obstruction:**
 - a. intentionally injured, intimidated, or interfered with, clinic patients, providers, or assistants, or attempted to do so; AND
 - b. committed this act either:
 - i. because that person or entity is a reproductive health services patient, provider, or assistant; OR
 - ii. 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.
- **[423.2(e) PC] The defendant intentionally destroyed property:**
 - a. of a person, entity, or facility, or attempted to do so; AND
 - b. committed this act because the person, entity, or facility is a reproductive, health services patient, provider, assistant, or facility.
- **[423.2 (g) PC] The defendant intentionally videotaped, filmed, photographed, or recorded by electronic means:**
 - a. within 100 feet of the entrance to, or within a reproductive health services facility;
 - b. a reproductive health services patient, provider, or assistant without that person's consent;
 - c. with the specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant; AND
 - d. thereby caused the person to be intimidated.

Make note of the following definitions regarding the above from Penal Code section 423.1:

- "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.

Violation of these sections are misdemeanors. Department members should be familiar with the above Penal Code sections and be prepared to enforce them in the event of a violation of reproductive rights.



Anthony Mata
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