

Anti-Reproductive Rights Crimes Reporting

404.1 PURPOSE AND SCOPE

This policy establishes procedures for responding to anti-reproductive rights incidents at reproductive health clinics and required reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General, as required by the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

404.2 ANTI-REPRODUCTIVE RIGHTS CRIMES DEFINITIONS

California Penal Code § 13776(a) defines an ARRC 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."

"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.

"Non-violent" 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.

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Penal Code § 423.2 provides that the following acts shall be considered ARRC when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

- (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 (Penal Code 432.2(a))
- (b) 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 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 (Penal Code 432.2(c))
- (c) 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 (Penal Code 432.2(e))
- (d) Intentionally videotapes, films, photographs, or records by electronic means, a reproductive health services client, provider, or assistant without that person's consent, within 100 feet of the entrance to, or within a reproductive health services facility, with the specific intent to intimidate the person from becoming or remaining a reproductive health services client, provider, or assistant, and thereby causes the person to be intimidated (Penal Code 432.2(g))
- (e) Intentionally discloses or distributes a videotape, film, photograph, or recording in any manner or forum including internet websites and social media, knowing it was obtained within 100 feet of the entrance to, or within a reproductive health services facility, with the specific intent to intimidate the person from becoming or remaining a reproductive health services client, provider, or assistant, and thereby causes the person to be intimidated (Penal Code 432.2(h))

404.3 RESPONSE TO ANTI-REPRODUCTIVE RIGHTS CRIMES

Members should respond appropriately any time a person living within the jurisdiction of the Orange County Sheriff's Department reports that the person has been a victim of an ARRC as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this Department or has not been determined (e.g., online harassment).
- (b) Providing the victim with the appropriate information on available assistance resources. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside the Department's jurisdiction reports an ARRC that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box within OCSD's jurisdiction to facilitate the crime).

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In addition to taking a report on the potential ARRC, a Member should consider whether other sections of the Penal Code may have been violated by the reported conduct and include information about other criminal violations as well.

A Member investigating an ARRC should ensure that the case is referred to the appropriate agency if it is determined that this Department should not be the investigating agency or jurisdiction. The appropriate entries should be made into any databases that have been authorized for the Departments use and are specific to this type of investigation.

404.4 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

The Director of the Records Division is the custodian of all data collected. The Director of the Records Division, or their authorized designee, shall ensure data is collected and reported in accordance with the Reproductive Rights Law Enforcement (RRLE) Act [PC §13777 (a)(2)(A)-(C)].

- (a) Upon receiving a report of an ARRC, the Member responsible shall mark the designated Field-Based Reporting (FBR) selection to identify it as an ARRC Report.
- (b) Monthly, the Records Division shall ensure that ARRC data, including zero reports if applicable, is submitted to the Department of Justice Criminal Justice Statistics Center through the California Incident Based Reporting System (CIBRS).