

# Anti-Reproductive-Rights Crimes

in California, 2003



More 



**Bill Lockyer, Attorney General**  
California Department of Justice  
Division of California Justice Information Services  
Bureau of Criminal Information and Analysis  
CRIMINAL JUSTICE STATISTICS CENTER

 **LINKS TO:**

[Introduction](#)

[Data Analysis](#)

[Appendices](#)

[CJSC Publications](#)

[CJSC Home Page](#)

[AG Home Page](#)

**CALIFORNIA DEPARTMENT OF JUSTICE**

Bill Lockyer, Attorney General

**DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES**

Nick Dedier, Director/CIO

**BUREAU OF CRIMINAL INFORMATION AND ANALYSIS**

Doug Smith, Deputy Director

**CRIMINAL JUSTICE STATISTICS CENTER**

Jack Scheidegger, Assistant Chief

Steve Galeria, Program Manager

**REPORT PREPARED BY**

Adele Spears, Analyst

**REPORT DESIGNED BY**

Rebecca Bowe

**REPORT EDITED BY**

Tad Davis

**Acknowledgments**

Debbie Sasaki, Analyst

Robin Tipton, Technician

Donna Isley-Robinson, Technician

The role of the **CRIMINAL JUSTICE STATISTICS CENTER** is to:

- Collect, analyze, and report statistical data which provide valid measures of crime and the criminal justice process.
- Examine these data on an ongoing basis to better describe crime and the criminal justice system.
- Promote the responsible presentation and use of crime statistics.

More 



# Contents

<b>Introduction</b> .....	1
<b>Data spreadsheet</b> .....	2
<b>Data analysis</b>	
Events, offenses, victims, and suspects .....	4
Offenses .....	5
Victims .....	6
Suspects .....	7
<b>Appendices</b>	
Appendix I - Legislation .....	11
Appendix II - <i>Information Bulletin 02-15-BCIA</i> .....	23
Appendix III - <i>Monthly Report of Anti-Reproductive-Rights Crimes (ARRC),     Summary Worksheet</i> .....	24
Appendix IV - <i>Anti-Reproductive-Rights Crimes (ARRC), Data Collection     Worksheet</i> .....	26
<b>Tables</b>	
1 Anti-reproductive-rights crimes in California, 2003 Events, offenses, victims, and suspects by county and jurisdiction .....	4
2 Anti-reproductive-rights crimes in California, 2003 Type of offense by offense level, crime of violence, location, and weapon .....	5
3 Anti-reproductive-rights crimes in California, 2003 Type of victim by race/ethnic group, gender, age, property description, type of loss or damage, and value of property .....	6
4 Anti-reproductive-rights crimes in California, 2003 Type of offense by race/ethnic group, gender, and age of suspect .....	7

More 



## Introduction

Senate Bill 780, effective January 1, 2002, enacted two new laws: the California Freedom of Access to Clinic and Church Entrances (or California FACE) Act, and the Reproductive Rights Law Enforcement Act. The Reproductive Rights Law Enforcement Act added sections 13775 through 13779 to the California Penal Code requiring the Attorney General to collect and analyze information relating to anti-reproductive-rights crimes and submit a report to the Legislature. This publication is the result of that mandate.<sup>1</sup>

An “anti-reproductive-rights crime” is defined in section 13776 (a) of the California Penal Code as “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.”

In order to collect crime statistics mandated by the Reproductive Rights Law Enforcement Act, the Department of Justice (DOJ) mailed *Information Bulletin* 02-09-BCIA (June 2002) to California law enforcement agencies throughout the state. This bulletin announced new statistical reporting requirements for anti-reproductive-rights crimes, as well as the development of an automated reporting system. Guidelines for sending these crime data to the DOJ were provided in *Information Bulletin* 02-15-BCIA (see Appendices).

Information collected by the department includes the date of event; the county and law enforcement jurisdiction where the crime occurred; the number of crime events, offenses, victims, and suspects involved; the type of offenses committed (e.g., vandalism); the offense level (felony or misdemeanor); the nature of the crime (violent or nonviolent); the location of the crime (e.g., a health facility); whether or not a weapon was used (if so, what kind); the race/ethnic group, gender, and age of the victims and suspects involved; a description of involved property (e.g., automobile or structure); the type of property damage; and the estimated value of that property.

This publication includes information reported to the DOJ by California law enforcement agencies for 2003. A data spreadsheet, which allows the reader to evaluate information pertaining to each anti-reproductive-rights crime reported, is included. Data tables, which organize and quantify these data, are also included. *Because this is the first year anti-reproductive-rights crime data have been reported to the DOJ, and until trend data become available, conclusions based on the information in this report should be reached with caution.*

Selected findings for 2003:

- Ten anti-reproductive-rights crimes were reported to the DOJ. (Because no trend data exist, the DOJ cannot determine whether the number of crimes reported for 2003 are representative of the number that will be reported in future years.)
- Anti-reproductive-rights crimes occurred in seven of California’s 58 counties. These seven counties range in size from most populous in the state (Los Angeles) to Shasta (ranked 29th in population size).<sup>2</sup>
- Eleven anti-reproductive-rights offenses were reported; all 11 were misdemeanors and only one was reported as a crime of violence. Vandalism was the most frequently reported offense (six). These reported offenses are consistent with a 2002 report published by the California Senate Office of Research which found that “threats of violence, vandalism, non-injury assaults, and blockades” were the most common crimes reported in a survey of 172 publicly identified California abortion providers.<sup>3</sup>
- Health facilities were the most frequently reported location of anti-reproductive-rights offenses.
- The value of property damaged was minimal (between \$0 and \$100 per offense).
- Most individual victims of anti-reproductive-rights crimes were white. Slightly over half of all individual victims were male and slightly over half of all individual victims were aged 40 and over.
- Information about six suspects was reported; all were male, two were white, and three were Hispanic.

<sup>1</sup> See also *Special Report to the Legislature on Senate Bill 780 - California Freedom of Access to Clinic and Church Entrances Act and Reproductive Rights Law Enforcement Act*, authored by Robert R. Springborn, Ph.D., and published by the DOJ in June 2003.

<sup>2</sup> County population rankings were obtained from the California Department of Finance.

<sup>3</sup> See *Crimes Against Reproductive Rights in California*, authored by Gregory deGierye and published by the California Senate Office of Research in January 2002.

# ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2003

## Data

Event				Offense					
Total of events <sup>1</sup>	Date of event	County	Reporting agency	Total offenses	Offense	Offense level (Fel/Misd)	Crime of violence	Location	Weapon
<b>10</b>				<b>11</b>					
1	01/14/03	Contra Costa	Pleasant Hill PD	1	Assault and battery	Misd	No	Residence/home/driveway	None
1	03/19/03	San Luis Obispo	San Luis Obispo PD	1	Malicious mischief	Misd	No	Residence/home/driveway	None
1	03/30/03	San Luis Obispo	San Luis Obispo PD	1	Vandalism	Misd	No	Residence/home/driveway	None
1	03/30/03	San Luis Obispo	San Luis Obispo PD	1	Vandalism	Misd	No	Residence/home/driveway	None
1	04/17/03	Stanislaus	Modesto PD	1	Vandalism	Misd	Yes	Commercial/office building	Fire/incendiary device
1	05/03/03	Los Angeles	Whittier PD	1	Vandalism	Misd	No	Commercial/office building	None
1	05/14/03	Shasta	Redding PD	2	Assault and battery Assault and battery	Misd Misd	No No	Private/public health facility Private/public health facility	None None
1	06/09/03	Los Angeles	Whittier PD	1	Vandalism	Misd	No	Private/public health facility	Spray paint
1	11/12/03	Orange	Orange PD	1	Disturbing the peace	Misd	No	Private/public health facility	None
1	11/22/03	Sonoma	Santa Rosa PD	1	Vandalism	Misd	No	Private/public health facility	Rock

Note: Dash indicates that data are not applicable or no information was reported.

<sup>1</sup> An "event" is an occurrence of one or more criminal offenses committed against one or more victims by one or more suspects/perpetrators.

<sup>2</sup> A "victim" may be an individual, a reproductive health facility, a residence, etc. A victim can have more than one offense committed against them.

More 



# Spreadsheet

	Victim information							Suspect information			
	Individual				Property			Total suspects	Race/ethnic group of suspect	Gender of suspect	Age of suspect
	Type of victim	Race/ethnic group of victim	Gender of victim	Age of victim	Property description	Type of loss or damage	Value of property				
<b>11</b>								<b>6</b>			
1	Individual-other	White	Male	67	-	-	-	1	Unknown	Male	Unknown
1	Individual-other	White	Female	37	Automobile	Vandalized	\$0	-	-	-	-
1	Individual-other	White	Male	44	Automobile	Vandalized	\$0	-	-	-	-
1	Individual-other	White	Male	57	Automobile	Vandalized	\$0	-	-	-	-
1	Property-business	-	-	-	Structure	Burned	Unknown	1	Hispanic	Male	Unknown
1	Property-business	-	-	-	Structure	Vandalized	\$40	-	-	-	-
2	Individual-employee Individual-other	White White	Female Male	47 32	- -	- -	- -	1	White	Male	72
1	Property-health facility	-	-	-	Structure	Vandalized	\$50	2	Hispanic Hispanic	Male Male	Unknown Unknown
1	Individual-employee	Unknown	Female	31	-	-	-	1	White	Male	Unknown
1	Property-business	-	-	-	Structure	Vandalized	Unknown	-	-	-	-

In 2003, ten anti-reproductive-rights crime events were reported to the California Department of Justice. The Data Spreadsheet (above) allows the reader of this publication to evaluate information pertaining to each of these events beginning with the date of occurrence (left side of spreadsheet) and ending with suspect information (right side of spreadsheet). Tables 1 through 4 organize and quantify data by categories. *Until trend data become available, conclusions based on the information in this report should be reached with caution.*

More

# Data Analysis

Table 1  
**ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2003**  
 Events, Offenses, Victims, and Suspects by County and Jurisdiction

County and jurisdiction	Events <sup>1</sup>	Offenses	Victims <sup>2</sup>	Suspects
Total	10	11	11	6
Contra Costa County - Pleasant Hill PD	1	1	1	1
Los Angeles County - Whittier PD	2	2	2	2
Orange County - Orange PD	1	1	1	1
San Luis Obispo County - San Luis Obispo PD	3	3	3	0
Shasta County - Redding PD	1	2	2	1
Sonoma County - Santa Rosa PD	1	1	1	0
Stanislaus County - Modesto PD	1	1	1	1

<sup>1</sup> An "event" is an occurrence of one or more criminal offenses committed against one or more victims by one or more suspects/perpetrators.

<sup>2</sup> A "victim" may be an individual, a reproductive health facility, a religious facility, a residence, etc. A victim can have more than one offense committed against them.

**Events, Offenses, Victims, and Suspects:** Data in Table 1 provide information about anti-reproductive-rights crimes reported to the California Department of Justice by law enforcement agencies throughout the state for 2003. Four sets of data are displayed: reported crime events, offenses, victims, and suspects. An "event" is an occurrence in which one or more criminal offenses were perpetrated. "Offense" information displays the number of offenses occurring during the commission of an anti-reproductive-rights crime event (see Table 2 for more detail). "Victim" information displays the number of anti-reproductive-rights crime event victims (see Table 3 for more detail). Finally, "suspect" information displays the number of persons suspected of committing anti-reproductive-rights crimes in California (see Table 4 for more detail). All data in Table 1 are displayed by the county and jurisdiction of crime occurrence.

In 2003,

- Ten anti-reproductive-rights crime events occurred and were reported to the California Department of Justice by seven law enforcement agencies in seven counties. Two agencies, the San Luis Obispo Police Department and the Whittier Police Department, accounted for one-half (five) of the events reported. One agency, the San Luis Obispo Police Department, reported three separate events; two of these events occurred on the same day (see Data Spreadsheet on prior page).
- Eleven offenses occurred during the commission of the ten anti-reproductive-rights crime events reported. Multiple offenses for one crime event were reported by the Redding Police Department, the only agency to report more than one offense committed during the commission of an anti-reproductive-rights crime.
- Eleven individual/property victims of anti-reproductive-rights crimes were reported. The Redding Police Department reported the only event involving more than one victim (two individuals).
- Information about six suspects was reported to the California Department of Justice. Because reported data are limited, it cannot be determined if or when a suspect was involved in more than one crime event. Therefore, the number of suspects reported in this category may not represent the total number of persons involved in the commission of anti-reproductive-rights crimes.

More 



Table 2  
**ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2003**  
 Type of Offense by Offense Level, Crime of Violence, Location, and Weapon

Type of offense	Total	Offense level		Crime of violence		Location			Weapon		
		Felony	Misd	Yes	No	Residence/ home/ driveway	Commercial/ office building	Private/ public health facility	Fire/ incendiary device	Other <sup>1</sup>	None
Total	11	0	11	1	10	4	2	5	1	2	8
Assault and battery	3	0	3	0	3	1	0	2	0	0	3
Disturbing the peace	1	0	1	0	1	0	0	1	0	0	1
Malicious mischief	1	0	1	0	1	1	0	0	0	0	1
Vandalism	6	0	6	1	5	2	2	2	1	2	3

<sup>1</sup> This category includes one offense in which spray paint was used and another offense in which a rock was used.

**Offenses:** Table 2 displays the level of each anti-reproductive-rights offense reported to the California Department of Justice. An offense reported as a felony is punishable by death or imprisonment in a state prison; an offense reported as a misdemeanor is punishable by imprisonment in a county jail for up to one year. Table 2 also displays offenses reported as a crime of violence. To be reported as a crime of violence, an offense must involve “the use, attempted use, or threatened use of physical force against the person or property of another” as defined by section 423.1 of the California Penal Code. The location at which offenses occurred and the type of weapons used to commit those offenses are also displayed. All data in Table 2 are displayed by the type of offense reported.

In 2003,

- Eleven offenses occurred during the commission of the ten anti-reproductive-rights crime events reported to the California Department of Justice. Vandalism was the most frequently reported offense (six), followed by assault and battery (three), disturbing the peace, and malicious mischief (one each).
- Vandalism occurred with equal frequency at residences (two), commercial/office buildings (two), and private/public health facilities (two). Two of three reported assault and battery offenses occurred at private/public health facilities.
- All 11 offenses were reported as misdemeanors.
- One offense (vandalism) was reported as a crime of violence.
- Private/public health facilities were the most frequently reported location of anti-reproductive-rights offenses (five), followed by residences (four), and commercial/office buildings (two).
- Three of 11 offenses involved the use of a weapon of any sort. An incendiary device was used in one vandalism offense; spray paint and a rock were reported as weapons used in two additional vandalism offenses.

More 



# ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2003

Table 3  
ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2003

Type of Victim by Race/Ethnic Group, Gender, Age, Property Description, Type of Loss or Damage, and Value of Property

Type of victim <sup>1</sup>	Total	Individual							Property <sup>2</sup>							
		Race/ethnic group of victim			Gender of victim		Age of victim			Property description		Type of loss or damage		Value of property		
		White	Other	Un-known	Male	Female	Under 40	40 and over	Un-known	Auto	Structure	Burned	Vandalized	\$0-\$49	\$50-\$100	Un-known
Total	11															
Individual	7	6	0	1	4	3	3	4	0	3	0	0	3	3	0	0
Employee	2	1	0	1	0	2	1	1	0	0	0	0	0	0	0	0
Other	5	5	0	0	4	1	2	3	0	3	0	0	3	3	0	0
Property	4	-	-	-	-	-	-	-	-	0	4	1	3	1	1	2
Business	3	-	-	-	-	-	-	-	-	0	3	1	2	1	0	2
Health facility	1	-	-	-	-	-	-	-	-	0	1	0	1	0	1	0

Note: Dash indicates that data are not applicable or no information was reported.

<sup>1</sup> A "victim" may be an individual, a reproductive health facility, a religious facility, a residence, etc.

<sup>2</sup> Of seven individual victims, three reported property damage; therefore, counts for "property description," "type of loss or damage," and "value of property" will not equal the total number of individual victims.

**Victims:** Table 3 displays the race/ethnic group, gender, and age of individuals reported to the California Department of Justice as having been an anti-reproductive-rights crime victim, any property damage they may have incurred, and information about property victims. All data in this table are displayed by the two types of anti-reproductive-rights crime victims (individual or property). An "individual" victim is recorded when an anti-reproductive-rights crime has been reported as having occurred against a person. Individuals are recorded as either clients or employees of reproductive health services facilities, or as "other" (neither clients nor employees). An individual may also report property damage. The second type of victim, "property," is recorded when an anti-reproductive-rights crime has been reported as having occurred against property only. Property victims are recorded as either health facilities (includes hospitals, abortion clinics, family planning clinics, etc.), businesses, religious organizations (includes buildings associated with a specific religious group), or other entities.

In 2003,

- Eleven individual/property victims of anti-reproductive-rights crimes were reported to the California Department of Justice. Individual victims were the most frequently reported (seven).
- Of seven individual victims reported, two were employees of reproductive health services facilities and five were not employees nor clients of these facilities. Of four property victims reported, three were businesses and one was a health facility.
- Of seven individual victims, six were white and one victim's race/ethnicity was reported as "unknown."
- Males were victimized slightly more often than females (four victims were male; three victims were female).
- Individuals aged 40 and over were victimized slightly more often than individuals under age 40 (four victims were aged 40 and over; three victims were under the age of 40).
- Three of seven individual victims reported vandalism to automobiles resulting in less than \$50 in damages per offense.
- Four structures were reported as victims; one was burned and three were vandalized. The value of property damage was reported for two of four of these structures. Damages to one business were reported as less than \$50 and damages to one health facility were reported as between \$50 and \$100.



Table 4  
**ANTI-REPRODUCTIVE-RIGHTS CRIMES IN CALIFORNIA, 2003**  
 Type of Offense by Race/Ethnic Group, Gender, and Age of Suspect

Type of offense	Total suspects	Race/ethnic group of suspect				Gender of suspect		Age of suspect		
		White	Hispanic	Other	Un-known	Male	Female	Under 40	40 and over	Un-known
Total	6	2	3	0	1	6	0	0	1	5
Assault and battery	2	1	0	0	1	2	0	0	1	1
Disturbing the peace	1	1	0	0	0	1	0	0	0	1
Vandalism	3	0	3	0	0	3	0	0	0	3

**Suspects:** Table 4 displays the race/ethnic group, gender, and age of persons suspected of committing anti-reproductive-rights crimes in California. It should be noted that a single suspect may commit multiple offenses and multiple suspects may commit a single offense. Additionally, data about suspects may be unknown and therefore unreported. All data in Table 4 are displayed by the type of offense reported.

In 2003,

- Information about six suspects was reported to the California Department of Justice. These six suspects were associated with three types of anti-reproductive-rights offenses. Two suspects committed assault and battery, one suspect was associated with disturbing the peace, and three suspects committed vandalism.
- Two suspects were white, three were Hispanic, and one suspect's race/ethnic group was reported as "unknown."
- All six suspects were male. One suspect was aged 40 and over; five suspects' ages were reported as "unknown."

More 



## Appendix I

### LEGISLATION

#### Senate Bill No. 780

##### CHAPTER 899

An act to add Title 11.7 (commencing with Section 423) of Part 1 of, and to add and repeal Title 5.7 (commencing with Section 13775) to Part 4 of, the Penal Code, relating to the protection of constitutional rights.

[Approved by Governor October 14, 2001. Filed with Secretary of State October 14, 2001.]

##### LEGISLATIVE COUNSEL'S DIGEST

SB 780, Ortiz. Protection of the exercise of constitutional rights.

Existing provisions of federal law make it a crime and provide a civil remedy for the commission of certain activities that interfere with a person's access to reproductive health services facilities or with a person's participation in religious services or that damage or destroy property of a reproductive health facility or place of worship.

Existing provisions of state law authorize a civil action for damages resulting from the commission of specified activities that interfere with a person's access to a health facility or with the facility's functioning, and a court in which a proceeding for this relief is filed, is required to take all reasonable action to protect, as specified, the parties and witnesses in the matter.

Under other existing provisions of state law, it is a crime to make a threat, as specified, causing a person to refrain from engaging in a religious service or to commit an act of terrorism, as specified, at a place of religious worship or at a location where abortion counseling services, education, or other specified activities are conducted. Existing law also makes it a crime to damage or destroy the real or personal property of a place of worship or to interfere with the exercise of a person's religious beliefs because of his or her religion.

Under existing law, the Attorney General is required to collect from local law enforcement agencies information relating to crimes motivated by, among other personal characteristics, a person's religion, which the Department of Justice analyzes and submits in an annual report to the Legislature.

This bill would add similar provisions in state law to make it a crime and would provide a civil remedy for the commission of the acts prohibited under federal law, as described above. The bill would require a court in proceedings regarding the prohibited acts to take all actions reasonably required to protect the safety and privacy of the parties, witnesses, and persons who are victims, or at risk of becoming victims,

More 

of the prohibited activities. This bill would allow specified persons to use pseudonyms in civil actions related to prohibited acts. The bill would authorize as remedies in the civil action injunctive relief, compensatory and punitive damages, attorney's fees, costs of the suit, and statutory damages. This bill would also authorize the Attorney General, a district attorney, or a city attorney to file an action to enjoin prohibited acts, for compensatory damages to persons aggrieved by prohibited acts, and for civil penalties, as specified.

The bill would also require the Attorney General to assume specified duties related to planning, information gathering, and analysis with respect to anti-reproductive-rights crimes, as defined. The bill would also require the Attorney General to submit various reports on this issue to the Legislature. The bill would require the Commission on Peace Officer Standards and Training to develop a training course on anti-reproductive-rights crimes. This bill would provide that the requirements for information gathering, reporting, planning, and course development related to anti-reproductive-rights crimes would be repealed on January 1, 2007.

Because this bill would create a new crime and would impose a reporting requirement on local law enforcement agencies, it would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds the following:

(a) Federal law enforcement activities proved effective between 1993 and 2001, in reducing and punishing crimes intended to violate a woman's right to reproductive choice. However, the level and threat of those crimes in 2001 remained unacceptably high, and continued and increased law enforcement remained necessary.



(b) Federal actions that proved effective in reducing and punishing these crimes include the vigorous criminal and civil enforcement of the Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248) by the United States Department of Justice and the United States Attorney's Office; the creation by the United States Department of Justice of the national Task Force on Violence Against Health Care Providers that gathers and analyzes information, which is made available to law enforcement agencies and prosecutors, on threats against reproductive health service providers and those persons suspected of engaging in this activity; the creation by the United States Attorney's Office of regional task forces on violence against abortion providers that coordinate federal, state, and local law enforcement efforts in connection with preventing this activity; the provision of instruction by the United States Marshals Service to ensure reproductive health services providers are able to promptly communicate threats they receive to the appropriate federal, state, and local law enforcement officials; other security training and advice provided by the United States Marshals Services and the Bureau of Alcohol, Tobacco and Firearms to reproductive health service providers; the protection provided by the United States Marshals Service, the Bureau of Alcohol, Tobacco, and Firearms, and the Federal Bureau of Investigation to those persons most at risk from anti-reproductive-rights crime; the training of law enforcement officers and reproductive health services providers in regional sessions sponsored by the United States Attorney's Offices in cooperation with the Feminist Majority Foundation, the National Abortion Federation, and the Planned Parenthood Federation of America, and certified by the Commission on Peace Officer Standards and Training; and the instruction provided by the United States Department of Justice and Federal Bureau of Investigation personnel in those training sessions.

(c) It is the intent of the Legislature that state and local law enforcement agencies continue and build on these services in California.

(d) (1) It is the intent of the Legislature that the Commission on Peace Officer Standards and Training, pursuant to Section 13778 of the Penal Code and in cooperation with the Department of Justice and other subject matter experts, provide for regular, periodic, continuing professional training of peace officers throughout California, and that this training take place in conjunction, when appropriate, with training of reproductive health service providers funded by noncommission sources.

(2) It is the intent of the Legislature that training pursuant to Section 13778 of the Penal Code include information on crimes, including antigovernment extremist crimes and certain hate crimes motivated by

hostility to real or perceived ethnic background or sexual orientation, commonly committed by some of the same persons who commonly commit anti-reproductive-rights crimes of violence. Likewise, it is the intent of the Legislature that the guidelines and course of instruction and training pursuant to Section 13519.6 of the Penal Code include information on these crimes.

(e) Nothing in this act is intended to define anti-reproductive-rights crimes or antigovernment extremist crimes as hate crimes, or otherwise to expand or change the definition of hate crimes.

(f) It is the intent of the Legislature that nothing in this act, and no action by anyone pursuant to this act, stigmatize anyone solely because of his or her political or religious beliefs, because of his or her advocacy of any lawful actions, or because of his or her exercise of the rights of free speech or freedom of religion, and that nothing in this act, and no actions by anyone pursuant to this act, otherwise harm anyone because of his or her beliefs, constitutionally protected speech, or lawful actions.

SEC. 2. Title 11.7 (commencing with Section 423) is added to Part 1 of the Penal Code, to read:

TITLE 11.7. CALIFORNIA FREEDOM OF ACCESS TO CLINIC  
AND CHURCH ENTRANCES ACT

423. This title shall be known and may be cited as the California Freedom of Access to Clinic and Church Entrances Act, or the California FACE Act.

423.1. 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.

423.2. 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.

(b) 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 lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(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.

(d) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(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.

(f) Intentionally damages or destroys the property of a place of religious worship.

423.3. (a) A first violation of subdivision (c) or (d) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed two thousand dollars (\$2,000).

(b) A second or subsequent violation of subdivision (c) or (d) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than six months and a fine not to exceed five thousand dollars (\$5,000).

(c) A first violation of subdivision (a), (b), (e), or (f) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed twenty-five thousand dollars (\$25,000).

(d) A second or subsequent violation of subdivision (a), (b), (e), or (f) of Section 423.2 is a misdemeanor, punishable by imprisonment in a county jail for a period of not more than one year and a fine not to exceed fifty thousand dollars (\$50,000).

(e) In imposing fines pursuant to this section, the court shall consider applicable factors in aggravation and mitigation set out in Rules 4.421 and 4.423 of the California Rules of Court, and shall consider a prior violation of the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), or a prior violation of a statute of another jurisdiction that would constitute a violation of Section 423.2 or of the federal Freedom of Access to Clinic Entrances Act of 1994, to be a prior violation of Section 423.2.

(f) This title establishes concurrent state jurisdiction over conduct that is also prohibited by the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), which provides for more severe misdemeanor penalties for first violations and felony-misdemeanor penalties for second and subsequent violations. State law enforcement agencies and prosecutors shall cooperate with federal authorities in the prevention, apprehension, and prosecution of these crimes, and shall seek federal prosecutions when appropriate.

(g) No person shall be convicted under this article for conduct in violation of Section 423.2 that was done on a particular occasion where the identical conduct on that occasion was the basis for a conviction of that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248).

423.4. (a) A person aggrieved by a violation of Section 423.2 may bring a civil action to enjoin the violation, for compensatory and punitive damages, and for the costs of suit and reasonable fees for attorneys and expert witnesses, except that only a reproductive health





services client, provider, or assistant may bring an action under subdivision (a), (c), or (e) of Section 423.2, and only a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom in a place of religious worship, or the entity that owns or operates a place of religious worship, may bring an action under subdivision (b), (d), or (f) of Section 423.2. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of a final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of one thousand dollars (\$1,000) per exclusively nonviolent violation, and five thousand dollars (\$5,000) per any other violation, for each violation committed.

(b) The Attorney General, a district attorney, or a city attorney may bring a civil action to enjoin a violation of Section 423.2, for compensatory damages to persons aggrieved as described in subdivision (a) and for the assessment of a civil penalty against each respondent. The civil penalty shall not exceed two thousand dollars (\$2,000) for an exclusively nonviolent first violation, and fifteen thousand dollars (\$15,000) for any other first violation, and shall not exceed five thousand dollars (\$5,000) for an exclusively nonviolent subsequent violation, and twenty-five thousand dollars (\$25,000) for any other subsequent violation. In imposing civil penalties pursuant to this subdivision, the court shall consider a prior violation of the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248), or a prior violation of a statute of another jurisdiction that would constitute a violation of Section 423.2 or the federal Freedom of Access to Clinic Entrances Act of 1994, to be a prior violation of Section 423.2.

(c) No person shall be found liable under this section for conduct in violation of Section 423.2 done on a particular occasion where the identical conduct on that occasion was the basis for a finding of liability by that person under the federal Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. Sec. 248).

423.5. (a) (1) The court in which a criminal or civil proceeding is filed for a violation of subdivision (a), (c), or (e) of Section 423.2 shall take all action reasonably required, including granting restraining orders, to safeguard the health, safety, or privacy of either of the following:

(A) A reproductive health services client, provider, or assistant who is a party or witness in the proceeding.

(B) A person who is a victim of, or at risk of becoming a victim of, conduct prohibited by subdivision (a), (c), or (e) of Section 423.2.

(2) The court in which a criminal or civil proceeding is filed for a violation of subdivision (b), (d), or (f) of Section 423.2 shall take all

action reasonably required, including granting restraining orders, to safeguard the health, safety, or privacy of either of the following:

(A) A person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(B) An entity that owns or operates a place of religious worship.

(b) Restraining orders issued pursuant to paragraph (1) of subdivision (a) may include provisions prohibiting or restricting the photographing of persons described in subparagraphs (A) and (B) of paragraph (1) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons. Restraining orders issued pursuant to paragraph (2) of subdivision (a) may include provisions prohibiting or restricting the photographing of persons described in subparagraphs (A) and (B) of paragraph (2) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons.

(c) A court may, in its discretion, permit an individual described in subparagraph (A) or (B) of paragraph (1) of subdivision (a) to use a pseudonym in a civil proceeding described in paragraph (1) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons. A court may, in its discretion, permit an individual described in subparagraph (A) or (B) of paragraph (2) of subdivision (a) to use a pseudonym in a civil proceeding described in paragraph (2) of subdivision (a) when reasonably required to safeguard the health, safety, or privacy of those persons.

423.6. This title shall not be construed for any of the following purposes:

(a) To impair any constitutionally protected activity, or any activity protected by the laws of California or of the United States of America.

(b) To provide exclusive civil or criminal remedies or to preempt or to preclude any county, city, or city and county from passing any law to provide a remedy for the commission of any of the acts prohibited by this title or to make any of those acts a crime.

(c) To interfere with the enforcement of any federal, state, or local laws regulating the performance of abortions or the provision of other reproductive health services.

(d) To negate, supercede, or otherwise interfere with the operation of any provision of Chapter 10 (commencing with Section 1138) of Part 3 of Division 2 of the Labor Code.

(e) To create additional civil or criminal remedies or to limit any existing civil or criminal remedies to redress an activity that interferes with the exercise of any other rights protected by the First Amendment to the United States Constitution or of Article I of the California Constitution.



(f) To preclude prosecution under both this title and any other provision of law, except as provided in subdivision (g) of Section 423.3.

SEC. 3. Title 5.7 (commencing with Section 13775) is added to Part 4 of the Penal Code, to read:

TITLE 5.7. REPRODUCTIVE RIGHTS LAW ENFORCEMENT  
ACT

13775. This title shall be known and may be cited as the Reproductive Rights Law Enforcement Act.

13776. The following definitions apply for the purposes of this title:

(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 subdivision (a) or (c) of Section 423.2.

(b) “Subject matter experts” includes, but is not limited to, law enforcement agencies experienced with anti-reproductive-rights crimes, and organizations such as the American Civil Liberties Union, the American College of Obstetricians and Gynecologists, the California Abortion and Reproductive Rights Action League, the California Medical Association, the Feminist Majority Foundation, the National Abortion Federation, the National Organization for Women, and the Planned Parenthood Federation of America that represent reproductive health services clients, providers, and assistants.

(c) “Crime of violence,” “nonviolent,” “reproductive health services;” “reproductive health services client, provider, or assistant;” and “reproductive health services facility” each has the same meaning as set forth in Section 423.1.

13777. (a) Except as provided in subdivision (d), the Attorney General shall do each of the following:

(1) Collect and analyze information relating to anti-reproductive-rights crimes, including, but not limited to, the threatened commission of these crimes and persons suspected of committing these crimes or making these threats. The analysis shall distinguish between crimes of violence, including, but not limited to, violations of subdivisions (a) and (e) of Section 423.2, and nonviolent crimes, including, but not limited to, violations of subdivision (c) of Section 423.2. The Attorney General shall make this information

available to federal, state, and local law enforcement agencies and prosecutors in California.

(2) Direct local law enforcement agencies to report to the Department of Justice, in a manner that the Attorney General prescribes, any information that may be required relative to anti-reproductive-rights crimes. The report of each crime that violates Section 423.2 shall note the subdivision that prohibits the crime. The report of each crime that violates any other law shall note the code, section, and subdivision that prohibits the crime. The report of any crime that violates both Section 423.2 and any other law shall note both the subdivision of Section 423.2 and the other code, section, and subdivision that prohibits the crime.

(3) On or before July 1, 2003, and every July 1 thereafter, submit a report to the Legislature analyzing the information it obtains pursuant to this section.

(4) (A) Develop a plan to prevent, apprehend, prosecute, and report anti-reproductive-rights crimes, and to carry out the legislative intent expressed in subdivisions (c), (d), (e), and (f) of Section 1 of the act that enacts this title in the 2001-2002 session of the Legislature.

(B) Make a report on the plan to the Legislature by December 1, 2002. The report shall include recommendations for any legislation necessary to carry out the plan.

(5) Make a report to the Legislature in 2005, that evaluates the implementation of the act that enacts this title in the 2001-02 Regular Session, any legislation recommended pursuant to subparagraph (B) of paragraph (4), and the plan developed pursuant to subparagraph (A) of paragraph (4). The report shall also include a recommendation concerning whether the Legislature should extend or repeal the sunset date in Section 13779 and recommendations regarding any other necessary legislation.

(b) In carrying out his or her responsibilities under this section, the Attorney General shall consult the Governor, the Commission on Peace Officer Standards and Training, and other subject matter experts.

(c) To avoid production and distribution costs, the Attorney General may submit the reports that this section requires electronically or as part of any other reports that he or she submits to the Legislature, and shall post the reports that this section requires on the Department of Justice Web site.

(d) The Attorney General shall implement this section to the extent the Legislature appropriates funds in the Budget Act or another statute for this purpose.

13778. (a) The Commission on Peace Officer Standards and Training, utilizing available resources, shall develop a two-hour telecourse on anti-reproductive-rights crimes and make the telecourse



available to all California law enforcement agencies as soon as practicable after chaptering of the act that enacts this title in the 2001–2002 session of the Legislature.

(b) Persons and organizations, including, but not limited to, subject-matter experts, may make application to the commission, as outlined in Article 3 (commencing with Section 1051) of Division 2 of Title 11 of the California Code of Regulations, for certification of a course designed to train law enforcement officers to carry out the legislative intent expressed in paragraph (1) of subdivision (d) of Section 1 of the act that enacts this title in the 2001–02 Regular Session.

(c) In developing the telecourse required by subdivision (a), and in considering any applications pursuant to subdivision (b), the commission, utilizing available resources, shall consult the Attorney General and other subject matter experts, except where a subject matter expert has submitted, or has an interest in, an application pursuant to subdivision (b).

13779. This title shall remain in effect until January 1, 2007, and as of that date is repealed unless a later enacted statute deletes or extends that date.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.


However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

More 



## Appendix II

Bill Lockyer, Attorney General

<p>California Department of Justice DIVISION OF CALIFORNIA JUSTICE INFORMATION SERVICES Nick L. Dedier, Director/CIO</p> 	<h1>INFORMATION BULLETIN</h1>	
<p><i>Subject:</i> Revised Forms for Reporting Anti-Reproductive Rights Crimes</p>	<p><i>No.</i> 02-15-BCIA</p> <p><i>Date:</i> 11-22-02</p>	<p><i>Contact for information:</i> Irene Smith, Supervisor Criminal Justice Statistics Center (916) 227-3564</p>

**TO: ALL CHIEFS OF POLICE AND SHERIFFS**

In June 2002, Information Bulletin 02-09-BCIA was mailed out announcing new statistical reporting requirements for Anti-Reproductive Rights Crimes (ARRC). All law enforcement agencies should have begun reporting ARRC data to the Department of Justice (DOJ) in July 2002. Effective immediately, please use the attached revised forms, BCIA 8370 and BCIA 8371, for reporting ARRC.

The reporting format has been modified to clarify the purpose of this database, which is 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, or any other person or entity, or any class of persons or entities from becoming or remaining a reproductive health services client, provider or assistant. Also, a column has been added to distinguish between crimes of violence and nonviolent crimes as defined in California Penal Code 423.1.

You can make copies of the enclosed forms or print them from the California Law Enforcement Website (CLEW) at: <http://justice.hdcdojnet.state.ca.us/clew>. These forms are due on the 10<sup>th</sup> working day of the month and can be submitted with your other statistical reports (e.g., Return A, Homicides, Monthly Arrest and Citation Register). An electronic reporting system is currently under development and will be available in 2003 along with a training CD.

If you need a copy of the Information Bulletin mentioned above or have any questions regarding these revisions, please contact Irene Smith, Supervisor, at (916) 227-3564.


Sincerely,



DOUG SMITH, Deputy Director  
Division of California Justice Information Services

For BILL LOCKYER  
Attorney General

Enclosures  
cc/enc: record supervisors

DCJIS-t (Rev 6/99) 

More 

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

AGENCY	
NCIC NUMBER	REPORTING MONTH / YEAR
<input type="checkbox"/> THERE WERE _____ ARRCs REPORTED TO THIS DEPARTMENT FOR THIS MONTH (Attach Data Collection Worksheets)	
<input type="checkbox"/> THERE WERE <b>NO</b> 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: <b>Anti-Reproductive Rights Crimes</b>	

**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 10<sup>th</sup> working day for the preceding month (for example, July data should be submitted by the 10<sup>th</sup> 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.

BCIA 8370 (10/02)



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.

More 



ANTI-REPRODUCTIVE RIGHTS CRIMES (ARRC)  
DATA COLLECTION WORKSHEET

ADMINISTRATION	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 OFFENSE(S)					
	STATUTE (CODE SECTION)		LITERAL	LEVEL (M/F)	CRIME OF VIOLENCE?	NUMBER OF VICTIMS/PROPERTY
	1. _____		_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	2. _____		_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	3. _____		_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	4. _____		_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	5. _____		_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
	6. _____		_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____
7. _____		_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	
8. _____		_____	_____	<input type="checkbox"/> YES <input type="checkbox"/> NO	_____	
LOCATION TYPE (Check one)						
<input type="checkbox"/> PRIVATE/PUBLIC HEALTH FACILITY		<input type="checkbox"/> GOVERNMENT/PUBLIC BUILDING		<input type="checkbox"/> RELIGIOUS FACILITY		
<input type="checkbox"/> DOCTOR OFFICE/HOSPITAL		<input type="checkbox"/> PARKING LOT/GARAGE		<input type="checkbox"/> SCHOOL/COLLEGE		
<input type="checkbox"/> COMMERCIAL/OFFICE BUILDING/THEATER		<input type="checkbox"/> RESIDENCE/HOME/DRIVEWAY		<input type="checkbox"/> OTHER _____		
IF WEAPON INVOLVED, CHECK TYPE (Up to 3)						
<input type="checkbox"/> FIREARM (TYPE UNKNOWN)		<input type="checkbox"/> BLUNT OBJECT (CLUB, HAMMER, ETC.)		<input type="checkbox"/> ASPHYXIATION (BY DROWNING, STRANGULATION, SUFFOCATION, GAS, ETC.)		
<input type="checkbox"/> HANDGUN		<input type="checkbox"/> MOTOR VEHICLE (WHEN USED AS WEAPON)		<input type="checkbox"/> UNKNOWN		
<input type="checkbox"/> RIFLE		<input type="checkbox"/> PERSONAL WEAPONS (I.E., HANDS, FISTS, FEET, ETC.)		<input type="checkbox"/> OTHER _____		
<input type="checkbox"/> SHOTGUN		<input type="checkbox"/> POISON				
<input type="checkbox"/> OTHER FIREARM (MACHINE GUN, BAZOOKA, ETC.)		<input type="checkbox"/> EXPLOSIVES				
<input type="checkbox"/> KNIFE/CUTTING INSTRUMENT (AX, ICE PICK, SCREWDRIVER, SWITCHBLADE, ETC.)		<input type="checkbox"/> FIRE/INCENDIARY DEVICE				
<input type="checkbox"/> DRUGS/NARCOTICS/SLEEPING PILLS						
VICTIM INFORMATION	V1	RACE *	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE *	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8
	V2	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8
	V3	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8
	V4	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8
	V5	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH	VICTIM TYPE	VICTIM OF: (Refer to Statute List Above) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8

\*See Legend on reverse

OVER 



<b>PROPERTY</b>	PROPERTY TYPE *	TYPE OF LOSS OR DAMAGE <input type="checkbox"/> NONE <input type="checkbox"/> BURNED <input type="checkbox"/> DESTROYED/DAMAGED/VANDALIZED <input type="checkbox"/> STOLEN		VALUE	
	PROPERTY DESCRIPTION OR PROPERTY CATEGORY CODE *				
	PROPERTY TYPE *	TYPE OF LOSS OR DAMAGE <input type="checkbox"/> NONE <input type="checkbox"/> BURNED <input type="checkbox"/> DESTROYED/DAMAGED/VANDALIZED <input type="checkbox"/> STOLEN		VALUE	
	PROPERTY DESCRIPTION OR PROPERTY CATEGORY CODE *				
<b>SUSPECT INFORMATION</b>	<b>S1</b>	RACE *	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY? <input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN
	<b>S2</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY? <input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN
	<b>S3</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY? <input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN
	<b>S4</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY? <input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN
	<b>S5</b>	RACE	SEX <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> UNKNOWN	DATE OF BIRTH OR AGE	IS THIS SUSPECT A RESIDENT OF YOUR LOCALITY? <input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT <input type="checkbox"/> UNKNOWN

**\* LEGEND**

**Race/Ethnicity Codes**

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

**Victim Type Codes**

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

**Property Type Codes**

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

**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 - Purses/Handbags/Wallets
- 9 - Radios/TVs/VCRs
- 10 - Structures-Single Occupancy Dwellings
- 11 - Structures-Other Dwellings
- 12 - Structures-Other Commercial/Business
- 13 - Structures-Public/Community
- 14 - Structures-Other
- 15 - Other

More

**ANTI-REPRODUCTIVE RIGHTS CRIMES (ARRC)**

Data Collection Worksheet (BCIA 8371)

**Requirement:**

This 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 10<sup>th</sup> working day for the preceding month (for example, July data should be submitted by the 10<sup>th</sup> working day in August).

**Administration:**

**Preparer's Name**

Enter the name of the person who prepared the form and whom should be contacted by the DOJ 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.

**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 offender shoved an employee at a reproductive health services facility. The offender 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 a total of 10 ARRC offenses involved in an incident, enter the 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).

**Crime of Violence?**

For each statute code reported, answer the following question: did this offense involve “the use, attempted use, or threatened use of physical force against the person or property of another” as defined by 423.1 PC (see the back of the Summary Worksheet for the statute code definition). If the answer is yes, check the “yes” box. If it is not a crime of violence, check the “no” box.

**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 offender also shoves two clients walking into a reproductive health services facility and then breaks a window of the building. The offender is arrested for 423.2 (A) PC, 423.2 (E) PC, and 602(N) PC. Enter 423.2 (A) PC, 423.2 (E) PC, and 602 (N) PC in the “Statute (Code Section)” boxes.

ARRC Offense(s) Statute (Code Section)	Literal	Level (M/F)	Crime of Violence?	Number of Victims/Prop
1. 423.2 (A) PC	violence/etc: reproductive health client	M	Yes	2
2. 423.2 (E) PC	intentionally damage property:repro health svcs	M	Yes	1
3. 602 (N) PC	trespass: refuse to leave property	M	No	1

**Location Type**

Check a location type to show where the ARRC offense took place. If the location does not fit into one of the categories listed, check “other” and enter the location.

**If Weapon Involved**

Choose up to three types of weapons/force used by the offender. If the weapon does not fit into one of the categories listed, check "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, check the boxes of the offenses (numbered in the statute code section) which were perpetrated against him/her during the incident.

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

**Property Type**

Enter the appropriate property type code:

B=Business

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

H=Health Facility (includes hospital, abortion clinic, family planning clinic, etc.)

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

**Type of Loss or Damage**

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

**Value**

Report the dollar values of the property which was burned, stolen, destroyed, etc., as a result of the incident. Up to ten values can be entered to match the up to ten property descriptions. If more than ten 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 ten property descriptions or property category codes (see legend) can be reported. If more than ten 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, check "unknown."

**Date of Birth or Age**

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

**Is this suspect a resident of your locality?**

Check the box that identifies the suspect as a resident or nonresident of the locality where the crime occurred. A "resident" is a person who maintains his/her permanent home for legal purposes in the locality (i.e., town, city, community) where the crime took place. Law enforcement agencies should base their determinations of residency on the town, city, or community where the crime occurred rather than their broader geographical jurisdictions. If the suspect information is unknown, check "unknown."