

**The Second Report on Implementation of California Laws
on Anti-Reproductive Rights Crimes**

Report of the Advisory Committee
on Anti-Reproductive Rights Crimes

January 2013

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The findings and recommendations expressed in this report are solely those of the Advisory Committee on Anti-Reproductive Rights Crimes, and should not be considered as representing those of any department or agency of the California State Government. The opinions and recommendations expressed in this report represent those of the majority of the members, and do not necessarily represent the positions of each individual organization. Some members did not or could not take positions on certain advocacy or legislative issues, including representatives of organizations that do not take positions on policy without a vote of the organization or agency.

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The Second Report on the Implementation of California Laws on Anti-Reproductive Rights Crimes

Executive Summary

In 2001, Senator Deborah Ortiz authored Senate Bill 780 – a bill that enacted two new laws in response to criminal activity affecting the rights of individuals seeking to exercise their rights to reproductive health care.: **The California Freedom of Access to Clinics and Church Entrances Act (California FACE Act)** created state civil and criminal penalties for individuals interfering with a person’s access to reproductive health care facilities or participation in religious services. The **Reproductive Rights Law Enforcement Act** directed the Attorney General to develop a plan, with input from subject matter experts, to prevent, apprehend, prosecute and report anti-reproductive rights crimes (ARRC). The Commission on Peace Officer Standards and Training (POST) was also directed to develop a training video course on anti-reproductive rights crimes.

Because of continued frustration in the efforts of reproductive health care providers and advocates to receive assistance from law enforcement agencies at the local level, Senator Ortiz authored Senate Bill 603 to examine how well SB 780 had been implemented. SB 603 directed the Commission on the Status of Women to convene an Advisory Committee on Anti-Reproductive Rights Crimes to examine the effectiveness of the implementation of the Reproductive Rights Law Enforcement Act and to review the plan developed by the Attorney General. The Advisory Committee was convened and in April 2008 sent to the Legislature, the Governor and other state agencies their report, **The Implementation of California Laws on Anti-Reproductive Rights Crimes**. The Advisory Committee found that, while reporting of ARRC is required of all law enforcement agencies, the number of crimes is understated; that because POST training on state ARRC legislation is not mandated, officers are generally unaware of their responsibilities under the law; that some California cities and counties have established local buffer zones as a means of protecting clinics, their staff, clients and volunteers; and that the Attorney General’s plan was not an effective tool for implementation of California legislation on anti-reproductive rights crimes. The Advisory Committee also developed a set of recommendations for improving implementation of the laws. *(NOTE: Please see the full Second Report for complete recommendations.)*

In 2008, because constituents experienced continued frustration in their efforts work with law enforcement on implementation of ARRC legislation, SB 1770 (Padilla) extended the sunset date for the **Reproductive Rights Law Enforcement Act** to January 1, 2014, and requested that the Advisory Committee submit a follow-up report to the Legislature regarding any additional progress on implementation of the law. This report has been prepared for the Legislature as fulfillment of that request. The Advisory Committee found that, while some progress has been made in providing guidelines and model policies to law enforcement agencies and in updating the POST video course on ARRC, the major problem continues to be lack of training for law enforcement officers on ARRC legislation and on how to report anti-reproductive rights crimes. In brief, here are the recommendations of the Advisory Committee:

Recommendations

The Legislature should

1. eliminate Sunset on the Reproductive Rights Law Enforcement Act.
2. adopt a statute similar to that of the states of Massachusetts and Colorado that creates a no-approach bubble zone around any person within a buffer zone.

The Attorney General should

3. develop a simple information sheet on ARRC to inform reproductive health care providers of state and federal law protecting them and their clients.
4. include in the annual DOJ reports of anti-reproductive rights crimes any reports that are made directly to the FBI.
5. take the lead to plan and conduct briefings in key regions of the state where concern exists regarding anti-reproductive rights crimes.
6. present the ARRC reporting requirements during the statewide meetings of the California police chiefs' and sheriffs' organizations.

The Commission on the Status of Women and Girls should

7. support legislation in 2013 to eliminate the Reproductive Rights Law Enforcement Act sunset date.
8. support legislation in 2013 and subsequent years to implement other legislative recommendations of the advisory committee
9. advocate for and monitor responses by the Legislature, Department of Justice, and POST to the advisory committee's recommendations.
10. offer to provide assistance to the DOJ in consulting with ARRC subject matter experts.

The Second Report on Implementation of California Laws on Anti-Reproductive Rights Crimes

I. Introduction and Background

This report was developed by the Advisory Committee on Anti-Reproductive Rights Crimes (ARRC) in response to the legislative directive in Senate Bill 1770, enacted in 2008, to provide information and recommendations to the Legislature and other agencies on how the State of California continues to address law enforcement issues related to anti-reproductive rights crimes.

Under California law, protection for women seeking reproductive health care is provided both by federal law and through two laws signed into law in 2001:

- **The California Freedom of Access to Clinics and Churches Act (California FACE Act) 2001**

This Act created state civil and criminal penalties for individuals interfering with a person's access to reproductive health care facilities or participation in religious services.

- **The Reproductive Rights Law Enforcement Act 2001**

This act directed the Attorney General to develop a plan, with input from subject matter experts, to prevent, apprehend, prosecute and report anti-reproductive rights crimes (ARRC). The Commission on Peace Officer Standards and Training was also directed to develop a training video course on anti-reproductive rights crimes.

Despite these new laws, reproductive health care providers, patients, and advocates continued to be frustrated in their attempts to receive assistance from law enforcement agencies at the local level.

As a result of their concerns, Senator Ortiz authored **Senate Bill 603** to examine how well SB 780 had been implemented. Signed into law in September 2006, **SB 603 directed the California Commission on the Status of Women to convene an Advisory Committee on Anti-Reproductive Rights Crimes** to examine the effectiveness of the implementation of the Reproductive Rights Law Enforcement Act and to review the plan developed by the Attorney General. The Committee was comprised of subject experts specified in SB 603. It also extended the sunset provision of the act from January 1, 2007 until January 1, 2009. The ARRC Advisory Committee's initial report was sent by the Commission on the Status of Women (Commission) to the State Legislature, the Attorney General, and the Governor in April 2008. The report included the findings of the Advisory Committee, an analysis of the Attorney General's Plan, and recommendations for actions by the Legislature, the Attorney General, and the Commission on the Status of Women. A copy of that report, **The Implementation of California Laws on Anti-Reproductive Rights Crimes**, can be found on the website of the California Commission on Status of Women and Girls, www.women.ca.gov.

Major Findings Identified in the 2008 Advisory Committee Report

Here, in brief, are the major findings identified in the 2008 Report. For additional information, please refer to the original report.

- Finding 1:** The number of anti-reproductive-rights crimes reported is questionable and may be understated.
- Finding 2:** POST (Commission on Police Officer Standards and Training) training on the California FACE Act and the Reproductive Rights Law Enforcement Act is not mandated, so officers may be unaware of their responsibilities under the law.
- Finding 3:** Law enforcement provides little or no assistance to reproductive health clinics in the enforcement of injunctions.
- Finding 4:** The State should consider enacting buffer zone legislation to protect clinics, their staff, clients and volunteers.
- Finding 5:** The content and process of developing the Attorney General's Plan failed to reflect accurately the knowledge, expertise and concerns of many reproductive rights health care providers.
- Finding 6:** The Attorney General's Plan was not an effective tool for implementation of the CA FACE Act and the Reproductive Rights Law Enforcement Act.

In addition, the Advisory Committee provided a set of recommendations (see recommendations below). In response to the findings and recommendations of the report and ongoing concerns voiced by reproductive health care providers and advocates, later in 2008 SB 1770 (Padilla) extended the sunset date for the **Reproductive Rights Law Enforcement Act** to January 1, 2014, and requested that the Advisory Committee submit a follow-up report to the Legislature regarding any additional progress on implementation of the law. This report has been prepared for the Legislature as fulfillment of that request.

II. Review of the Implementation of the Recommendations from the 2008 Report

In 2011, the Advisory Committee was once more convened to review the progress toward addressing their initial recommendations for protecting the rights to safe access for women seeking reproductive health care services. The Committee reviewed reporting data published by the Attorney General's Office regarding anti-reproductive rights crimes, examined local and national data on incidents at reproductive health clinics in California, and identified progress of any kind that had been made in response to recommendations made in 2008 report to the Legislature to improve the implementation of the Reproductive Rights Law Enforcement Act. A series of conference calls were held in 2011 and 2012 to review the recommendations from the report, begin the process of assessing progress toward the recommendations, and to determine additional data needed for the new report.

A major portion of the work of the reconvened Advisory Committee was an assessment of progress made regarding recommendations made in 2008. Below are the original recommendations followed by identification of any action taken.

Implementation of Recommendations to the Legislature

Recommendation 1: Extend Sunset on the Reproductive Rights Law Enforcement Act

Action Taken: In response to this recommendation, Senator Alex Padilla authored legislation to extend the sunset to January 1, 2014, and to request this report from the Advisory Committee.

Recommendation 2: Establishment of Bubble and Buffer Zones

The Advisory Committee recommended that the Legislature “adopt a statute similar to that of the State of Colorado that creates an 8-foot no-approach bubble zone around any person within a buffer zone that stretches 100 feet from the entrance to a health care facility and makes it a misdemeanor to obstruct entry to or exit from a health care facility.”

Action Taken: No legislative action was taken regarding this recommendation.

Recommendation 3: Direct POST to Develop Guidelines and a Model Policy

The Advisory Committee recommended that the Legislature direct the Commission on Police Officer Standards and Training “**develop guidelines and a model policy on ARRC reporting and enforcement for use by law enforcement agencies.**”

Action Taken: No action was needed by the Legislature on this recommendation because POST established an advisory group with members from law enforcement and advocacy groups to develop guidelines and a model policy. This work was completed prior to any action being taken by the legislature. In addition to the work on guidelines and a model policy, POST also proactively updated its training video on anti-reproductive rights crimes. An advisory group for the revisions was appointed, including members of the Advisory Committee on ARRC. When the training video was completed, copies were mailed to every police department and sheriff’s department in the state. The videos are available for individual law enforcement officers to view or for use in classes. However, there is no record of how the training video has been used at the local level.

The Committee also recommended that the Legislature “**direct POST to include ARRC reporting and related penal code sections within appropriate curriculums and programs, including Basic Academy and field training, as well as Continuing Professional Training (CPT) requirements.**”

Action Taken: No action was taken by the Legislature to include or mandate training on ARRC reporting. Staff members from POST reported that basic training covers anti-reproductive rights crimes in a general way, similar to hate crimes or other civil rights crime. There is no specific required training regarding the reporting of anti-reproductive rights crimes. The reality is that, when officers do not know that there are different reporting requirements for anti-reproductive rights crimes than for other crimes, they report such crimes under other categories and often do not take them as serious threats. Whenever the issue of mandated training for law enforcement is considered, the consistent response is that the cost of training is too great in times of budget constraints.

Implementation of Recommendations to the Attorney General

Recommendation 4: Develop an Information System on ARRC

The Advisory Committee recommended that the AG's office undertake the development of an information system that could provide assistance to both service providers and to law enforcement agencies and result in better understanding of ARRC law and the importance of reporting crimes; that would allow providers to directly report crimes to the AG's office; and that would provide for the DOJ to follow up with local law enforcement agencies that fail to report ARRCs to the DOJ.

Action Taken: No action was taken by the Attorney General's office on this recommendation.

Recommendation 5: ARRC Briefings

The Advisory Committee recommended that the "Office of the Attorney General should take the lead to plan and conduct briefings in key regions of the state where concern exists regarding anti-reproductive rights crimes, enforcement, reporting, and related matters for law enforcement officers and clinic personnel, jointly," as was suggested in the intent language of Senate Bill 780 (Ortiz) enacted in 2001.

Action Taken: No action was taken by the Attorney General's office on this recommendation.

Recommendation 6: Presentations to Law Enforcement Organizations

The Advisory Committee recommended that "the Office of the Attorney General should request time to present the ARRC reporting requirements, as well as information on multi-mission criminal extremism during the statewide meetings of the California police chiefs' and sheriffs' organizations.

Action Taken: No action was taken.

Implementation of Recommendations to the Commission on the Status of Women

Recommendation 7: Sponsor Legislation to Extend Sunset Date and Develop Model Guidelines

Action Taken: The Commission co-sponsored SB 1770 authored by Senator Alex Padilla that extended the sunset date to January 1, 2014, and that reconvened the Advisory Committee on Anti-Reproductive Rights Crimes.

No additional action was needed regarding the development of model guidelines by the Commission on Police Officer Standards and Training as guidelines were already developed.

Recommendation 8: Sponsor Legislation on other Recommendations

The Advisory Committee recommended that the Commission also sponsor other legislation

regarding legislative recommendations of the committee in subsequent years, according to the Commission's best judgment.

Action Taken: The Commission has continued to monitor legislative action. No additional specific legislation on anti-reproductive rights crimes has been sponsored.

Recommendation 9: Serve as an Advocate for ARRC Recommendations

The Advisory Committee recommended that the Commission on the Status of Women should “advocate for and monitor responses by the Legislature, DOJ, and POST to the advisory committee’s recommendations and periodically provide information to the subject matter experts who served on the Advisory Committee.”

Action Taken: The Commission played an active role with POST in developing guidelines and a model policy statement on anti-reproductive rights crimes. Members of the advisory committee were included in the advisory group. The Commission and other advisory committee members were also involved in the updating of the POST training film on anti-reproductive rights crimes.

The Commission also has consulted with members of the advisory committee regarding any possible legislation being considered regarding anti-reproductive rights crimes.

Recommendation 10: Assist DOJ with ARRC Subject Matter Experts

The Advisory Committee requested that the Commission “offer to provide assistance to the DOJ in consulting with ARRC subject matter experts, as required by Penal Code Section 13777(b).”

Action Taken: There has been little opportunity for the Commission to provide such assistance as the Attorney General’s Office has taken no action to carry out this requirement of the law.

Recommendation 11: Develop an ARRC Fact Sheet

The Advisory Committee recommended that the Commission “should develop a fact sheet on anti-reproductive rights crimes, for use by clients, patients, and providers, including information on First Amendment rights.”

Action Taken: The Commission developed the ARRC Fact Sheet. It was made available to advocacy groups and the public through the Commission website.

III. Review of Department of Justice Data Regarding Anti-Reproductive Rights Crimes/Incidents in California

The Reproductive Rights Law Enforcement Act requires all law enforcement agencies to submit monthly reports to the Criminal Justice Statistics Center, Department of Justice, on the number of anti-reproductive rights crimes that have occurred in their jurisdiction. The 2008 report provides a chart of crimes reported to DOJ in the years 2003 through 2006. In the following table, data is provided for the years 2007 through 2011. The reports in this chart reflect monthly reports from 733 law enforcement agencies that are mandated to report every month to the DOJ, even if the

report indicated no incident or crime occurred. In both this chart and the chart from the original report, less than 50 anti-reproductive rights crimes were reported in a four-year period ending in 2007 and in a five year period ending in 2011.

Given the size of the State of California and the number of reproductive health care clinics in the state (around 2000, including both family planning clinics and abortion providers), the Advisory Committee continues to find these crimes grossly under-reported. Several members on the committee have had experience as staff or as volunteers at reproductive health care clinics. Their experiences with ARRC incidents, many of which received no action from law enforcement agencies, indicated to the Committee that there were many more crimes and incidents occurring than are reflected in the DOJ reports. It is of interest that, in the nine years of reporting to date, only one sheriff's office has reported an anti-reproductive rights crime.

**Table 1: Department of Justice Data on
Anti-Reproductive Rights Crimes in California**

2007-2011

County and Jurisdiction	Number of Crimes					Total
	2007	2008	2009	2010	2011	
Total	6	7	11	4	9	37
Alameda County – Oakland PD		1				
Butte County – Chico PD			2			
Fresno County – Clovis PD					1	
Humboldt County – Humboldt SO		3				
Los Angeles County - Glendale PD	1	1				
Los Angeles County – Los Angeles						
Los Angeles County - Pomona PD	1			1		
Los Angeles County – Downey PD		1				
Marin County – San Rafael PD			1			
Placer County – Roseville					1	
Riverside County - Riverside PD			1		4	
Sacramento County – Sacramento PD			3	2		
San Bernardino County - San Bernardino PD	1			1	1	
San Francisco County – San Francisco PD					1	
Santa Clara County – San Jose PD	1	1			1	
San Joaquin County – Stockton PD	1					
Santa Mateo County – San Mateo PD	1					
Stanislaus County – Modesto PD			2			
Tulare County – Visalia PD			1			
Ventura County – Thousand Oaks PD			1			
Total						

Nature of the Crimes

The crimes identified in the chart above include the following:

Criminal threats, including bomb threats (4)	False bomb threats (4)
Vandalism (8)	Arson (1)
Violations of the local Ordinance (2) (Harassment, bubble ordinance)	Obstruction of entry or exit (1)
Assault (4)	Trespassing (4)
Burglary (1)	Annoying phone calls (3)
Violence (4)	

IV. Review of Reproductive Health Care Providers' Data Regarding Anti-Reproductive Rights Crimes/Incidents in California

Nationally, the Planned Parenthood Federation of America, the National Abortion Federation, and the Feminist Majority have reporting systems whereby clinics around the country report to them on incidents that could be considered anti-reproductive rights crime. The most comprehensive data is collected by the Planned Parenthood Federation of America. The following table provides data from PPFA, the National Federation on Abortion, and Women Health Specialists of California on ARRC incidents **reported by reproductive health care providers from the State of California** for the years 2009 through November of 2012. The complete individual reports also provide a narrative description of each incident and the specific clinic. For purposes of this report, the data is aggregated by type of crime/incident and year. Please note that in the case of picketing, the incidents reported reflect only those picketing events that likely included violations of state or federal law.

**Table 2: Anti-Reproductive Rights Crimes Reported
By California Reproductive Health Care Providers
2009-2012**

	2009	2010	2011	2012	4 year total
Total of all incidents	46	70	95	48	259
Assault	1	1	8	2	12
Arson/Attempted Arson	0	2	0	0	12
Bomb Threat	1	7	1	0	9
Death Threat	0	2	0	0	2
Harassment by email/phone	4	7	8	14	33
Hate Mail	2	4	3	2	11
Intruder	1	0	0	0	1
Protesters/Picketing**	12	5	12	2	31
Stalking	0	2	0	2	2
Suspicious Calls/Behavior	9	9	36	13	67
Theft/Burglary	1	7	5	4	17
Threat/Internet Threat	1	1	4	1	7
Trespassing	1	9	10	3	23
Vandalism	3	13	8	5	29
Data Sources: PPFA, NAF, Women's Health Specialists of California					

* Data for 2012 includes January through November only..

** Reports of protestors and picketing are for those instances when a crime may have been committed, and represent a small portion of actual picketing of clinics.

In the incident reports made for the table above, at least 94 calls/contacts/reports were filed with the police. Since the reporting systems do not include all reproductive health care providers in the

state, it is not possible to provide a total number of police contacts made by providers. In the case of federal violations, some contacts were also made with the FBI.

These two charts demonstrate the disparity between incidents occurring at reproductive health care facilities and those that are reported to the Department of Justice. The major barrier to more effective reporting of anti-reproductive rights crimes is the lack of any mandate that law enforcement officers be provided training in basic and continuing education courses on how to report anti-reproductive rights crimes. The Advisory Committee commends the Commission on Police Officer Standards and Training for developing a model policy and guidelines for handling ARRC. However, because of the lack of training, the data reported to the Department of Justice by law enforcement officers will fail to reflect the true number of anti-reproductive rights crimes. (For example, instead of reporting an assault at a women's reproductive health clinic as an anti-reproductive rights crime, it may only be reported as an assault and not be counted as an anti-reproductive rights crime.)

Examples of Local Clinic Experiences

Reproductive health clinics depend on local law enforcement agencies for assistance when anti-reproductive rights crimes are threatened or actually occur. While it is not possible in this report to provide all of the ARRC anecdotal information provided by clinics across the state of California, a few examples from the Women's Health Specialists, with clinics in Sacramento, Chico, Santa Rosa and Redding, demonstrate the situations clinics often face. In 2011 and 2012, four (4) high profile campaigns known as "40 Days for Life" were organized in front of the Sacramento Clinic. This included mass rallies (100 plus people) and daily protestors from 7 am to 7 pm of up to 45 people at any given time for the forty days. On a regular basis, protestors video tape cars and trucks (including their license plates) entering and leaving the clinic parking lot, as well as vendors loading and unloading in the WHS parking lot. Clients and volunteer clinic escorts are frequently subjected to verbal harassment from protestors, sometimes with threats included: "Don't approach me. I'll attack you." "You take a picture of me anywhere, I'll shoot you...I mean it." In the last two years, separate from other reporting, the Sacramento clinic has collected over 40 confidential written client complaints. Most clients are hesitant to provide anything in writing because they fear lack of confidentiality, should reports be shared with law enforcement agencies.

In 2009, protestors not only took pictures of clients at the clinic in Chico, but also posted them on Craigslist for the Chico area – including showing the client's license plate number. On this occasion, Chico Police took a report of the incident, contacted Craigslist, and the site called "The Chico Observer" was removed from Craigslist. More and more frequently, WHS clinics have experienced harassing phone calls and internet messages used as tools of intimidation, something that increasingly occurs at clinics all over California. In dealing with the issues identified here, Women's Health Specialists have made real efforts to work collaboratively with law enforcement agencies – with greater success in some locations than in others. In Redding, WHS has established a solid working relationship with the Redding Police Department. There is now an annual meeting with the Chief of Police, who appoints a Department Liaison to the Clinic. The other attendees at these meetings include the Associate Executive Director, Clinic Manager, and a community member. The Police Department liaison is provided with a copy of the clinic floor plan and the permanent injunction obtained against Operation Rescue and other defendants from earlier arson attacks.

Based on their local experiences, Women’s Health Specialists recommend the following for use in all clinic locations:

- an annual meeting held between the designated clinic representative and the local law enforcement agency to share updates, reconcile reports, and exchange liaison contact information.
- that Best Practices be documented and shared among clinics in order to cultivate increased responsiveness from local law enforcement.
- tracking and centralized reporting of incidents involving anti-reproductive rights protestors, with input from and access for both clinics and law enforcement.

Again, the two charts above demonstrate that incidents occurring at reproductive health clinics far exceed the number that are actually reported to the Department of Justice. The recommendations below, as well as those provided here from Women’s Health Specialists, can result in more accurate reporting, greater cooperation and collaborative work between clinics and law enforcement agencies, and, hopefully, a reduction in ARRC incidents in California.

V. 2012 Recommendations of the Advisory Committee on Anti-Reproductive Rights Crimes

The Advisory Committee on Anti-Reproductive Rights Crimes makes the following recommendations to the Legislature, the Attorney General and the Commission on the Status of Women and Girls for moving forward with more thorough attention to the issue of anti-reproductive rights crimes. Where no progress was made on recommendations from the first report, they are included again.

Recommendations to the Legislature

Recommendation 1: Eliminate Sunset on the Reproductive Rights Law Enforcement Act

The Legislature should repeal the sunset date for the Reproductive Rights Law Enforcement Act. The continued incidence of anti-reproductive rights crimes merit increased and ongoing attention from law enforcement agencies.

Recommendation 2: Establishment of Bubble and Buffer Zones

The Legislature should adopt a statute similar to that of the State of Massachusetts and its buffer zone law or the State of Colorado law that creates a no-approach bubble zone around any person within a buffer zone that stretches 100 feet from the entrance to a health care facility and makes it a misdemeanor to obstruct entry to or exit from a health care facility.

This recommendation was included in the original report of the Advisory Committee. In considering it again, the Committee spent significant time on the issue of whether or not bubble and buffer laws might be seen as violating the constitutional right to freedom of speech, the basis on which several legal challenges have been made against such laws. While such legal challenges continue to be made, the legality of establishing bubble and buffer laws has been upheld, with due respect to the right to freedom of speech.. As recently as January 9, 2013, the U.S. Court of Appeals for the First Circuit upheld the Massachusetts abortion clinic buffer law. While some local

jurisdictions in California established buffer laws, advocates believe that state legislation would be far more effective than local ordinances.

Recommendations to the Attorney General

Recommendation 3: Develop an Information System on ARRC

The Office of the Attorney General should develop a simple information system, in consultation with the subject matter experts that served on the ARRC Advisory Committee and the FBI, to inform reproductive health care providers of state and federal law protecting them and their clients.

The system should result in the following:

- empowering the providers to work with their local law enforcement agencies,
- allowing providers to report ARRC's to the DOJ directly, and
- providing for the DOJ to follow up with local law enforcement agencies that fail to report ARRCs to the DOJ.

Information to providers should include the requirement that law enforcement agencies report every ARRC, including criminal violations of injunctions, criminal violations, and crimes to which officers do not respond in person.

Options for consideration as part of the system should include preparation and posting of the following three documents on the DOJ website:

- a) a one-page official statement explaining the law, the importance of enforcement, and the reporting requirement to be used by reproductive health care providers. This could be distributed to clients and given to officers who respond to ARRC calls, but are unfamiliar with the law or reporting requirements.
- b) the Fact Sheet developed by the Commission on the Status of Women on anti-reproductive rights crimes.
- c) a simple official form for use by complainants and witnesses to give to local law enforcement agencies regarding ARRCs.

During the development of the 2008 report, reproductive health care providers consistently shared experiences with the Advisory Committee regarding the failure of local law enforcement to respond to calls from reproductive health care clinics, clients, or local residents reporting ARRC incidents. According to providers, the benefit of the doubt is often given to demonstrators. Unfortunately as a result, many ARRC incidents are unreported to the DOJ.

Recommendation 4: Include federal FACE Act reporting in its reporting on anti-reproductive rights crimes.

The Advisory Committee recommends that, in its reporting of anti-reproductive rights crimes, the DOJ also include reporting made directly to the FBI.

Recommendation 5: ARRC Briefings

The Office of the Attorney General should take the lead to plan and conduct briefings in key

regions of the state where concern exists regarding anti-reproductive rights crimes, enforcement, reporting, and related matters for law enforcement officers and clinic personnel, jointly.* The Department of Justice should invite the FBI to join the briefings.

**See intent language in Section 1(d), Chapter 899, Statutes of 2001, enacted by Senate Bill 780 (Ortiz)*

The key regions of the state include Chico, Redding, Riverside County, San Diego, Sacramento County, Los Angeles County and other locations that may be identified in the future by provider organizations on the Advisory Committee, local law enforcement agencies, or the DOJ.

Individuals involved in the planning should include POST, the local police chief and/or sheriff, the U.S. Attorney's Office, the DOJ Bureau of Investigation and Intelligence, the National Abortion Federation, the Feminist Majority Foundation, Planned Parenthood Federation of America, and appropriate California subject-matter experts including local providers. Information provided by the FBI at such briefings would provide greater awareness to law enforcement and providers regarding national anti-reproductive rights crime activity.

The briefings should include, but not be limited to:

- a) the updated POST video course;
- b) information on the responsibility of law enforcement agencies to enforce court orders and local ordinances, including the specifics of local current orders and ordinances;
- c) reporting requirements and procedures;
- d) presentations by local providers on the history of local anti-reproductive rights crimes; and
- e) information on multi-mission criminal extremism as defined in Penal Code Section 13519.6(b)(6)*, the importance of reporting such extremism to law enforcement terrorism liaison officers, and the need to share information through the California Joint Regional Exchange System.
*”Multi-mission criminal extremism is the nexus of certain hate crimes, antigovernment extremist crimes, anti-reproductive rights crimes, and crimes committed in whole or in part because of the victims’ actual or perceived homelessness.”
- f) information from the FBI regarding anti-reproductive rights crimes.

Briefings should be made available to all law enforcement officers and affected clinic personnel, with a particular emphasis on areas in the state with frequent ARRC incidents.

Recommendation 6: Presentations to Law Enforcement Organizations

The Office of the Attorney General should request time to present the ARRC reporting requirements, as well as information on multi-mission criminal extremism, during the statewide meetings of the California police chiefs’ and sheriffs’ associations.

The presentation should include the definition of ARRC, including criminal violations that meet the statutory definition of an ARRC and that violate court orders and local ordinances; should stress the need for full reporting; and should provide information about training available at the local level, including training on multi-mission extremism provided in consultation with the Bureau of Investigation and Intelligence.

Recommendations to the California Commission on the Status of Women and Girls

Recommendation 7: Support Legislation to Eliminate the Sunset Date

The California Commission on the Status of Women should support legislation in 2013 to eliminate the Reproductive Rights Law Enforcement Act sunset date.

Recommendation 8: Support Legislation on other Recommendations

The California Commission on the Status of Women should support legislation in 2013 and subsequent years, according to the Commission's best judgment, to implement other legislative recommendations of the advisory committee.

Recommendation 9: Serve as Advocate for ARRC Recommendations

The California Commission on the Status of Women and Girls should advocate for and monitor responses by the Legislature and DOJ to the advisory committee's recommendations and periodically provide information to the subject matter experts who served on the Advisory Committee.

Recommendation 10: Assist DOJ with ARRC Subject Matter Experts

The California Commission on the Status of Women and Girls should offer to provide assistance to the DOJ in consulting with ARRC subject matter experts, as required by Penal Code Section 13777(b).

VI. Conclusion

The Advisory Committee on Anti-Reproductive Rights Crimes appreciates the work that has been done in the past four years to address ARRC. Looking to the future, the Committee encourages the Legislature, the Attorney General's Office, and the California Commission on the Status of Women and Girls to take action on these recommendations. The purpose of the recommendations is to assure that providers and clients of reproductive health care, and any individuals assisting them, can exercise their constitutional rights safely, with appropriate protection from local law enforcement agencies.