



# Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

**Policy #** 125

**Effective Date** 08/15/2003

**Policy Name** Freedom of Access to Clinic Entrances/Places of Worship

**Approved Date** 08/15/2003

**Approved by** *Wendell Franklin, Chief of Police*

**Previous Date** 09/21/1995

## PURPOSE OF CHANGE:

To update policy format.

## POLICY:

The purpose of the *Freedom of Access to Clinic Entrances Act of 1994* is to protect and promote the public safety and health, and activities affecting interstate commerce. This is accomplished by establishing federal criminal penalties and civil remedies for certain violent, threatening, obstructive, and destructive conduct that is intended to do either of the following:

1. Injure, intimidate, or interfere with persons seeking to obtain or provide reproductive health services.
2. 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.

The *Freedom of Access to Clinic Entrances Act of 1994* mandates that the FBI and ATF be contacted when violations of the Act occur. Specifically, they must be contacted when the following situations occur:

1. A prohibited act of violence has occurred at a reproductive health service facility or place of religious worship.
2. A prohibited act of violence appears to be imminent at such place.
3. Any prohibited act occurs that gives an officer probable cause to arrest a person (whether the arrest actually occurs or not) at a reproductive health service facility or place of religious worship.

The FBI and ATF do not have to be contacted when peaceful demonstrations occur that do not block the entrance to reproductive health service facilities or places of religious worship.

**SUMMARY:** Procedures for violations of the *Freedom of Access to Clinic Entrances Act of 1994*.

**APPLIES TO:** All police personnel

## DEFINITIONS:

**FACILITY** – a hospital, clinic, physician's office, or a facility that provides reproductive health services, and includes the building or structure in which the facility is located.

**REPRODUCTIVE HEALTH SERVICES** – are 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.

## PROCEDURES:

1. When a violation of the *Freedom of Access to Clinic Entrances Act of 1994* is observed, advise Public Safety Communications (PSC) as soon as possible. PSC will contact the FBI and the ATF using the telephone numbers provided on the call-out list.
2. Prepare appropriate *Incident Report* if any crimes have been committed. List the state or municipal charge as the type of offense (e.g., Trespassing, Assault and Battery). Do not list violation of the Act as the type of offense.

**REGULATIONS:** None

**REFERENCES:**

*Freedom of Access to Clinic Entrances Act of 1994*