

## OFFICE OF THE CHIEF OF POLICE

### NOTICE

February 17, 2022

1.11

**TO:** All Department Personnel

**FROM:** Chief of Police

**SUBJECT:** ASSEMBLY BILL 1171 – SPOUSAL RAPE AMENDMENTS

On October 7, 2021, the Governor signed into law Assembly Bill (AB) 1171 – *Rape of a Spouse*. Effective January 1, 2022, this law repeals Penal Code Section 262, thereby making an act of sexual intercourse accomplished with a spouse punishable as rape if the act otherwise meets the definition of rape. Prior to this change, sexual intercourse with a person who is incapable of giving legal consent because of a mental disorder or developmental or physical disability would not be rape if the two people are married. This change ensures that spousal rape is investigated and prosecuted in the same manner as the rape of a non-spouse.

The purpose of this Notice is to formally notify Department personnel of this change and to establish Department procedures for conducting a criminal investigation regarding a sexual assault crime involving a spouse.

### PROCEDURES

**OFFICER RESPONSIBILITIES:** Department personnel conducting a sexual assault investigation shall discontinue using the term “Spousal Rape” within the title or narrative of a Sexual Assault Investigative Report (IR), Arrest Report, and/or Booking Approval.

If a victim informs the investigating officer that they were sexually assaulted, and the suspect is the spouse of the victim, an IR titled “Rape” shall be taken. If the elements of a sexual assault crime cannot be established or the specific type of sexual assault cannot be determined, the officer shall contact, in the following order:

- Geographic Area Detective Supervisor, Sexual Assault Table;
- The PM watch detective supervisor, if applicable; and,
- The Area watch commander.

**WATCH COMMANDER RESPONSIBILITIES:** Watch commanders shall maintain the primary responsibility for thoroughly reviewing the IR, Arrest Report, and/or Booking Approval for completeness of the investigation and confirm that each report contains all the necessary elements of the crime being reported.

Additionally, watch commanders shall:

- Confirm the term “Spousal Rape” has not been utilized within the title or narrative;
- Review the status of the victim’s relationship to the suspect (including marital status);

- Confirm that the length of time the victim has been involved in a relationship with the suspect is defined;
- Determine if there is any evidence of the alleged victim's incapacity to provide legal consent because of a mental or developmental disorder, or physical disability; and,
- Verify the Primary Federal Bureau of Investigation (FBI) Uniformed Crime Reporting (UCR) Crime Class (CC) codes, 121 for Rape and 122 for Attempt Rape, are documented on the IR or Arrest Report.

**DETECTIVE SEXUAL ASSAULT TABLE RESPONSIBILITIES:** All Sexual Assault IRs shall be assigned to the geographic Area Sexual Assault Table. Detectives shall clarify any apparent omissions, thoroughly review, and ensure all the elements of a sexual assault are present in the IR. Detectives shall also document all investigative efforts in the Detective Case Tracking System and Follow-up Report, Form 03.14.00. Investigations involving a former spouse, fiancé, or person in a current or past dating relationship, and those in a current romantic relationship during the specified time periods shall be submitted to the appropriate two divisions of the Los Angeles County District Attorney's Office, for efficiency and felony-filing consideration:

- **Sex Crimes Division, Los Angeles County District Attorney's Office** will review sexual assault crime cases (including rape) involving a victim and perpetrator in a romantic relationship less than six months.
- **Family Violence Division, Los Angeles County District Attorney's Office** will review sexual assault crime cases (including rape) where the victim and the perpetrator have been in a romantic relationship for six months or longer.

**AREA RECORDS CLERKS AND AREA CRIME AND COMMUNITY INTELLIGENCE CENTER RESPONSIBILITIES:** Area records clerks, and Area Crime and Community Intelligence Center (ACCIC) personnel shall ensure adherence to these guidelines in accordance with the FBI UCR CC.

Area/divisional Records Unit and ACCIC personnel shall:

- Enter the primary UCR CC Code in (Consolidated Crime Analysis Database) on the first CC code field as written on the IR or arrest report by the investigating officer or watch commander; and,
- Review the title of the IR or arrest report to determine if additional CC codes are required.

All other Department directives, required records, investigating protocols, and ACCIC procedures are unchanged by this Notice.

Should you have any questions regarding this Notice, please contact the Evaluation and Administration Unit, Office of Operations, at (213) 486-6050.



MICHEL R. MOORE  
Chief of Police

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