



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

Kevin G. Grove
Commissioner of Public Safety

Nicholas J. Costello
Chief of Police

Domestic Violence/Intimate Partner Violence

I. Purpose:

The purpose of this policy is to establish guidelines consistent with law for the handling of matters involving Domestic Violence and/or Intimate Partner Violence.

II. Definitions:

A. “Abuse”¹ means any of the following acts:

1. an act that causes serious bodily harm;
2. an act that places a person eligible for relief in fear of imminent serious bodily harm;
3. assault in any degree;
4. rape or sexual offense under § 3-303, § 3-304, § 3-307, or § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
5. false imprisonment;
6. stalking under § 3-802 of the Criminal Law Article; or
7. revenge porn under § 3-809 of the Criminal Law Article.

B. “Battery” means intentionally causing a harmful or offensive contact without the consent of the victim.

C. “Domestic Violence” means a Battery that occurred among members of the same household.

D. “Intimate Partner Violence” or “IPV” means an assault or battery among persons who have or had an intimate relationship.

E. “Lethality Screening Form” means a screening form approved by the Frostburg City Police Department for screening and referral to services for victims of, or those at risk of, domestic violence.

III. Policy:

A. It is the policy of the Frostburg City Police Department that Domestic Violence, Intimate Partner Violence, and Abuse will be handled as a crime regardless of the relationship

¹ Md. Code Ann., Fam. Law. § 4-501.



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between the victim and the offender or the likelihood of participation in the prosecution by the victim.

- B. It is the policy of the Frostburg City Police Department that victims of Domestic Violence, Intimate Partner Violence, or Abuse will be treated with respect and sensitivity.
- C. It is the policy of the Frostburg City Police Department that Domestic Violence, Intimate Partner Violence, and Abuse incidents will be handled in accordance with this policy and the procedures below.

IV. Procedures:

[REDACTED]

[REDACTED]

[REDACTED]

B. Warrantless Arrests. If an act of Domestic Violence occurred, officers may make a warrantless arrest when:²

- 1. There is probable cause to believe the suspect Battered the suspect’s spouse or another person with whom the person resides;
- 2. There is evidence of physical injury to the victim,
- 3. The assault is reported within 48 Hours; AND
- 4. unless the person is arrested immediately, the person:
 - a. may not be apprehended;
 - b. may cause physical injury or property damage to another; or
 - c. may tamper with, dispose of, or destroy evidence.

5. Mutual Battery. If the officer has probable cause to believe that mutual Battery occurred and arrest is necessary, the officer shall consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the primary aggressor.³

² Md. Code Ann., Crim. Pro. § 2-204(a).

³ Md. Code Ann., Crim. Pro. § 2-204(b).



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C. Preference for Arrest. Due to the potential for continued violence, this policy prefers the warrantless arrest of Domestic Violence offenders when lawful grounds exist to do so and in accordance with the procedures herein. However, this policy also recognizes that there are some *rare* occasions when an arrest could technically occur but is not appropriate or desirable to the parties under the circumstances.

1. If an officer elects not to make an arrest for a Domestic Violence incident, the officer shall receive approval from the supervisor and shall explain in the incident report (1) the circumstances and reasons why and (2) the action taken to help protect the victim.⁴

D. Arrest Warrant Application. When a warrantless arrest for Domestic Violence is appropriate and lawful, but officers are unable to locate the suspect, the officer should promptly file an Application for a Statement of Charges with the District Court Commissioner. If the victim will be filing for the charges or there is no further police action, the officer should explain the reason why and the efforts made to help ensure the safety of the victim in the police report.

E. Domestic Violence Follow-Up. The Chief of Police shall designate one officer as the Domestic Violence Incident Coordinator. The “Domestic Violence Incident Coordinator” should regularly coordinate with a counselor or other designated staff member from the Family Crisis Resource Center, Inc. (FCRC) to review domestic violence reports and documents, including domestic violence Lethality Screening Forms, and arrange for appropriate follow-up action. Nothing in this section is intended to create a legal duty; it is to operate only as guidance for providing services generally to victims and for coordinating with FCRC.

F. Lethality Screening Forms. When an officer responds to a Domestic Violence incident involving Intimate Partner Violence, the officer should complete a Lethality Screening Form when (1) an assault or battery has occurred or (2) the officer believes there is a high risk for violence. This should be done at the scene. Occasionally, that is not reasonable or practical, in which case a follow-up effort should be conducted soon after and then referred to the Domestic Violence Incident Coordinator. When a victim screens in, the officer should contact the Family Crisis Resource Center hotline and offer for the victim to speak with them about follow-up and support services. All Lethality Screening Forms must be turned in to the inbox at the front desk by the end of the shift.

⁴ Model Domestic Violence Policy for the Maryland Law Enforcement Community, https://mdle.net/pdf/domestic_violence_policy-07-14.pdf