

Office of the Sheriff
Somerset County, Maryland

General Order: 01-14-26

Effective Date: September 1, 2014

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Chapter 28
Section 1
Criminal Investigations

1. Definition of Criminal Investigation

- A. Criminal investigation is an art and not a science. The individual investigator's imagination in his choice of tactics has its effect on the outcome, despite the most methodical and exhausting treatment of an investigation. The techniques of criminal investigations are built on logic, tested knowledge and scientific principles, and are not necessarily complicated or mysterious.
- B. The ultimate objective of a criminal investigation is to protect the innocent, recover evidence and present the accused to a court of law for determination of guilt, based on facts and evidence developed during the investigation.

2. Role of the Uniform Patrol Deputy

- A. Patrol Deputies are relied upon to render prompt and efficient service. Assigning patrol deputies to conduct a preliminary investigation reduces response time and increases the opportunity to save a life, preserve evidence, locate witnesses or apprehend the perpetrator(s). Being able to rely on the ability of the patrol deputies to perform at a crime scene, the investigator, if assigned, is free to concentrate on the more specialized facets of the investigation.
- B. In those incidents where the preliminary investigation is solely conducted by the patrol Deputy, the investigator should have a solid foundation on which to build follow-up activities.

C. The facts obtained and evidence discovered is instrumental in directing the investigating Deputy to a successful conclusion of the case. Each investigation is unique to a degree; however, the performance of many, if not all, of the following steps is usually required:

- 1) Proceed to the scene promptly and safely. (Expediency must include safe driving practices.)
- 2) The importance of giving prompt service is especially significant in instances of personal crimes (shooting, stabbing, and other crimes of violence) because of the possibility that the victim may die if aid is delayed. The time required for a Deputy to arrive is directly related to the preservation of evidence at the scene. The longer the delay, the greater the opportunity becomes for bystanders or well-meaning persons to destroy or contaminate evidence.
- 3) An excessive delay may also affect the availability or reliability of witnesses. People have a tendency to leave the scene of a crime as shock and excitement diminishes. Some bystanders may realize that remaining in the vicinity increases the likelihood of becoming involved. Witnesses who remain have ample opportunity to discuss the incident and to repeat their accounts to interested listeners. Each repetition increases the likelihood of distortion. Facts become interwoven with assumptions or imagination. Also, while waiting, witnesses sympathetic to the criminal can prepare their statements. The sooner the Deputy arrives, the less biased witness statements are likely to be.
- 4) While traveling to the scene, deputies should be alert for suspicious actions, such as vehicles traveling at a high rate of speed and/or being operated in a reckless manner; or a person running and/or trying to avoid detection.

D. Render assistance to the injured.

- 1) The Deputy's first responsibility is to the victim. He must immediately tend to the victim by administering first-aid and calling for an ambulance, if applicable. In a case involving serious personal injury, it is important that medical personnel are aware of a victim's organ donor status. Whenever possible, the investigating Deputy or supervisor at the scene of an incident involving serious personal injury shall ensure that a victim's driver's license or organ donor identification card accompanies the individual to the hospital. The injured must receive the highest priority, even if it permits the suspect to escape. Protecting a human life takes precedence over pursuit of the criminal.

- 2) If two Deputies are at the scene and the victim must be removed to a hospital, one Deputy will remain to protect the scene. The second should accompany the victim to the hospital and, if possible, obtain a statement. If there is only one Deputy at the scene and the victim must be removed to a hospital, the Deputy will remain at the scene to prevent destruction of evidence.
 - 3) In those cases when a Deputy accompanies the victim to the hospital, every effort shall be made to obtain all information possible relative to the assailant. A dying declaration shall be taken, if necessary, as well as a complete statement of facts. The Deputy will take custody of all clothing removed from the victim at the hospital and will caution hospital personnel against loss or destruction of possible evidence or other articles left on the body. Such clothing, along with any evidence, may be delivered to the Criminal Investigator by the Deputy.
 - 4) NOTE: If the victim is deceased, all clothing will accompany the body to the Medical Examiner's Office and will be released to SCSO personnel by the Medical Examiner following the examination.
- E. Establish that a crime has been committed. Conduct a preliminary investigation by questioning the victim, complainant, witnesses, etc., bearing in mind that laymen are apt to use misleading vocabulary in describing crime - labeling theft or burglary as a robbery or accidental damage as malicious destruction.
- F. Arrest the offender.
- 1) If the matter requires expeditious attention by the Deputy and all assistance has been rendered to the injured, then an arrest might be in order as the initial step of the preliminary investigation.
 - 2) As a first step toward the arrest of a suspect who has fled, the Deputy should transmit to patrol units a description covering:
 - a) the suspect's physical characteristics;
 - b) his associates or accomplices;
 - c) vehicle (make, year, body type, color, license number);
 - d) direction of travel or possible destination;
 - e) fruits of the crime;
 - f) type of weapon used; and
 - g) any other information helpful in identifying or locating the suspect(s).
 - 3) Back up units must be alerted via radio broadcast without delay. Prompt, detailed broadcasts link deputies at the scene of the crime, or en route, with others at distant points, enabling all to contribute to the investigation.
 - 4) When a complainant can supply facts concerning an offender's identity, place of residence or whereabouts, the Deputy should remain at the crime scene and summon assistance.

G. Secure the crime scene and protect the evidence

- 1) Unless disruption is necessary to assist the injured or to procure an arrest, the actual crime scene must remain intact until completion of an examination for evidence. All unauthorized persons, including police not assigned to the case, must be restricted from the crime scene.
- 2) As previously noted, the success or failure of a criminal investigation depends upon the immediacy of preliminary investigation. What the Deputy does, or fails to do, in protecting and preserving the crime scene may materially affect the outcome of an investigation.
- 3) Speed and thoroughness are the essential elements in crime scene processing. Scenes may rapidly deteriorate. The victim may die. Rain, snow or wind may destroy traces left by the criminal. Contamination begins immediately. A margin of a few minutes may be the difference between gathering overwhelming evidence or an unsuccessful and frustrating search by the investigators.
- 4) Preserving the crime scene means maintaining it in the same physical condition in which it was left. The Deputy must avoid touching objects, walking on stains, footprints or tire marks. Continuing preservation affords protection against destruction or disturbance of evidence by either authorized or unauthorized personnel or by weather and other conditions. Security measures should be immediately initiated by the first Deputy to arrive on the scene. When appropriate, crime scene barrier tape should be used to designate restricted access areas.
- 5) Once the crime scene is secured, the Deputy securing the scene will maintain a log of all persons, including police personnel, who enter the crime scene. The time an individual enters and leaves the area, as well as any pertinent information, (*i.e.* removed property, took photographs, etc.), will be recorded on the log. This information will be recorded on a continuation sheet and made part of the procedural report covering the incident.
- 6) Based on the severity of the crime, the Deputy may seek the assistance of a Maryland State Police Crime Scene Technician.
- 7) The Deputy will contact the Maryland State Police Telecommunications Section in Pikesville, Maryland and request the assistance of a Crime Scene Technician.

H. Locate and identify witnesses.

- 1) Hysteria, belligerency, confusion and shock are common at the scene of a serious crime. An effective means of restoring order quickly and tactfully is to separate all witnesses immediately and to reassure them the police are doing their utmost to arrest the criminal. Such a move will also prevent the exchange of information or discussions of the case which may influence a witness to alter his own statements to conform to the accounts of others.

- 2) Reassuring the victim and witnesses not only has a calming effect, but also wins their confidence. Further anxieties must not be created by inferring that a solution to the case is an impossibility or that the crime appears to be the work of a criminal who is "running wild" in the community.
- 3) The person who has come in close physical proximity with the criminal and shows no reluctance to questioning should be the first person interviewed. The Deputy must conduct this interview with the thought that the individual may have sustained emotional shock if not physical abuse. A lack of tact, especially in sex offenses, can cause the victim as much embarrassment as the crime itself. In cases of theft, the value of the property loss must not be ridiculed and the victim should not be criticized for his lack of carefulness. The Deputy's job is to solicit the cooperation of the complainant and the witness to obtain facts which will lead to the arrest of the criminal, not to pass critical judgment on the misfortunes of a citizen.
- 4) A cooperative witness is a valuable asset to police inquiries. He may not only provide a reliable account of events but may also assist in locating additional witnesses. As a routine practice, the Deputy should ask all persons interviewed to point out other bystanders who were present at the time of the incident.
- 5) When a Deputy is unable to obtain voluntary accounts, a search for other sources of information is necessary. A witness who will readily share their experience with any available listener may be reluctant to become involved by making an official statement. Success in this trying situation can be achieved through tact, courtesy and patience.
- 6) The Deputy must apportion time sensibly when a number of witnesses are available for interviewing. The best course is to obtain a brief, general statement from a few witnesses and to record the names, addresses and telephone numbers of the others, paying strict attention to accuracy. Errors and omissions can result in the loss of important testimony.
- 7) The business address, telephone number and hours of employment of each witness should be recorded. Personal data supplied by witnesses should be verified by identity cards or similar materials. These practices facilitate the tasks of follow-up investigators.

I. Interrogate the suspect.

- 1) Often, suspects are found at or near crime scenes. Initial questioning must be designed to extract the most information in the minimum time. Written notes should be made of all admissions of guilt and any information which could challenge the suspect's honesty in answering questions. All information gathered will be needed by follow-up investigators during formal interrogation of the suspect.

- 2) A deputy should immediately inform any suspect(s) placed in a custodial environment of their constitutional rights as they relate to interrogations.
- J. Note all conditions, events and remarks.
- 1) Preliminary investigation demands that the Deputy be quick to note discrepancies in replies to questioning and alert for unusual behavior on the part of those present. Tact and a positive manner are essential.
 - 2) The Deputy must begin to take notes as soon as practical, for delay increases the danger of omission and errors. Notations must be legible, accurate, complete and easy to comprehend as they will serve as the Deputies "official memory".
 - 3) Information to be recorded in the Deputy's notes should include, but not be limited to:
 - a) Date and time of arrival on the scene;
 - b) Weather conditions;
 - c) Date and approximate time of the crime;
 - d) Date and approximate time the crime was discovered;
 - e) Identity and rank of other police present;
 - f) Results of initial interviews;
 - g) Correct identity of witnesses, suspect and victim; and
 - h) Details of physical evidence.
 - 4) A field sketch of the crime scene should also be included.
 - 5) Arrange for the collection of evidence. The Deputy must apply any safeguards which will enable him to maintain the crime scene in its original condition while photographs and sketches are being made and the search for evidence is conducted. All articles likely to be of value as evidence must be documented and collected. The special trained technicians of the Crime Scene Unit should be utilized to process the crime scene.
 - 6) Report fully and accurately.
 - a) The results of the initial investigation and other vital information must be accurately reported on the appropriate SCSO form. Care must be exercised, since accurate reporting can effectively assist in the apprehension of the criminal. In those investigations which are turned over to an SCSO investigator, an initial report will be completed by the initial responding Deputy. Reports shall not contain opinions, subjective statements or conclusions unsupported by fact.
 - b) Properly filled out and completed reports can assist the investigator in the performance of his job.
 - c) All reports must be completed in their entirety.
- K. Yield responsibility to follow-up investigator.

- 1) The extent of the preliminary investigation is difficult to establish. The initial responding Deputy should begin the preliminary investigation without delay, and consistent with other responsibilities, the deputy should pursue the investigation until the time spent is unlikely to produce additional benefits or the arrest of the criminal cannot be made immediately or within a reasonably short period of time. At this point, the uniformed Deputy should yield the responsibility for the continuing investigation to an investigator, unless otherwise directed by a supervisor.
- 2) In those investigations which by their nature are considered serious and complex such as sophisticated burglaries or homicides, the initial investigating Deputy should immediately request the assistance of a criminal investigator.
- 3) The assumption of an investigation by a criminal investigator does not remove the initial investigating Deputy from being an intrinsic part of the investigation.
 - a) A cooperative atmosphere must exist between the uniformed Deputy and the follow-up investigators. Due to his specialized interests and expertise, the criminal investigator should be utilized to enhance the efforts of the SCSO to bring an investigation to a successful conclusion.
 - b) Although the uniformed Deputy may yield the actual continuation of a particular matter to an investigator, it is of utmost importance that the uniformed Deputy remember that the preliminary investigation is the focal point from which all subsequent investigative activity must proceed; therefore, if a substantial base is laid by the initial Deputy, the chance of a successful investigation is greatly enhanced.
- 4) The initially assigned uniformed Deputy will complete the appropriate initial investigative report in all cases, unless otherwise directed.

3. Photographs of Crime Scenes and Traffic Collisions

- A. Photographs of a crime scene or traffic collision will provide the investigating Deputy with a permanent record of the scene as it appeared on his arrival. Evidence which may be lost, altered or destroyed by weather, haste or the carelessness of others, is thus preserved and may be quite useful to the Deputy at some later stage of his investigation.
- B. Photographs should be used as a supplemental investigative tool; they should not take the place of original notes, sketches or diagrams. Frequently, they bring to light facts overlooked or forgotten by the Deputy.
- C. Photographs should only be taken to preserve evidence, to prove or disprove a point, or to further aid the investigator.
- D. The type of photographs that should be taken will vary with the nature of the investigation being conducted. They should be taken to show:
 - 1) What happened (death, injury, damage, etc.);

- 2) Where it occurred (exterior and interior locations);
 - 3) When it occurred (night, day, time of year);
 - 4) Why it occurred (intentional, accidental, etc.);
 - 5) How it occurred (weapons, vehicle defects, safety hazards, etc.); and
 - 6) Who was responsible?
- E. Photographs of different cases should not be taken on the same digital storage media. Deputies will not use their assigned digital storage media for more than one case at a time before reformatting them in the camera in which they will be used.
- F. All digital images taken with the SCSO digital cameras will be uploaded from the cameras and attached to the report and stored on the computer database. Personnel will be able to view their images at any time.
- G. Digital photo images attached to reports will not be altered in any way or deleted from the computer database at any time or for any reason.
- H. Insurance company representatives and other interested parties may obtain traffic collision and criminal case (a crime scene) photographs or CDs from the SCSO upon proper request. A fee is charged for reproduction costs.

4. Role of the Criminal Investigator

- A. The criminal investigator differs from the uniform patrol Deputy only in the respect that the investigator is not responsible for daily patrol duties. Therefore, all their efforts are directed to investigation. Because of this concentrated effort, their skills in the intricate art of investigation should be highly refined. The criminal investigators, in addition to using their skills in those investigations assigned to them, are considered a valuable aid to the uniformed personnel, supplying guidance and input based on their investigative expertise.
- B. It is not the purpose of the criminal investigator to assume the responsibility for all investigations. The criminal investigator will be used discriminately, either to assist the uniformed Deputy or to assume a complicated lengthy investigation that, by its very nature, would be unduly hampered by the intervention of those routine uniform patrol duties.
- C. Once the investigator assumes the investigation, he becomes responsible for coordinating all facets of the case. As stated before, those uniform personnel involved still have a responsibility to the investigation; however, all efforts should be coordinated with the investigator. The investigator must draw on all resources as needed to develop the investigation to a successful conclusion.

5. Line-Up Procedures

- A. The two types of line-ups used for a victim/witness to identify a suspect are as follows:
- 1) the "show-up", or one-on-one identification,
 - 2) the photographic line-up, and

B. "Show-Up" or One-On-One Identification

- 1) Immediately following a crime:
 - a) A suspect is located who matches the description broadcast and may be detained for a reasonable length of time.
 - b) The suspect is taken to the victim/witness or the victim/witness comes to the location where the suspect is detained.
 - c) The victim/witness views the suspect and states if the suspect is identified with the crime.
- 2) If a witness makes a positive identification a Deputy may:
 - a) Use this information as part of the probable cause to arrest; or
 - b) Use this information in the application for statement of charges for a charging document against the suspect.

C. Photographic Line-Up

- 1) Terms Defined
 - a) "Double-Blind" means the presentation of a photographic array by an officer or investigator who does not know which photograph depicts the potential suspect. This person is the "Independent Administrator."
 - b) "Fillers" means non-suspect photographs that are used to complete a photo array.
 - c) "Folder Shuffle Method" is an acceptable alternative, although not encouraged, to the use of a blind administrator when an Independent Administrator is not available.
 - d) "Independent Administrator" means an officer who does not know the identity of the suspect in a particular photo array
 - e) "Sequential" is the method of photographic array presentation which involves the displaying of photographs to victims/witnesses one photograph at a time.
- 2) Procedure
 - a) When displaying a photographic array during the investigative process, the double-blind, sequential method shall be utilized. However, if an Independent Administrator is not available, then the sequential method is still required although the "double-blind" feature of the array will not be present.
 - b) The primary investigator will prepare the photo array.
 - c) The primary investigator must not indicate to the Independent Administrator the identity of the suspect so as to ensure the "Double-Blind" nature of the photo array.

- d) Filler photographs of five to eight (5-8) subjects similar in appearance and who best meet the description of the suspect must be used in any photograph array.
 - i. Characteristics to be considered similar to the suspect's description include: age, race, sex, complexion, facial hair, hair color and style, scars, visible tattoos, glasses, etc.
 - ii. Filler photographs must: (1) have the same type of background scenery and (2) not contain information or arrest numbers which could identify the person in the photograph.
 - iii. A filler photograph should be placed into the first folder shown in the array.
 - iv. Photographs of persons similar to a suspect can be obtained from SCSO or other police departments.
- e) All photographs must be numbered and correspond to the number list of the names on the back of the Photographic Line-Up Record (Form 193).
- f) Presentation of the Photo Array:
 - i. The photographs shall be displayed sequentially (i.e., individually) so that only one photograph is shown at a time.
 - ii. Present the photographs to the victim/witness so that they are all visible for the same period of time.
 - iii. The Independent Administrator shall display the entire photo array, even if identification is made prior to completion, and the victim/witness will be instructed as such.
 - iv. The Independent Administrator must instruct the victim/witness that upon viewing the entire photo array, the victim/witness he/she recognizes anyone.
 - v. The victim/witness may look at the photos for as long as is deemed necessary by the victim/witness.
 - vi. The Independent Administrator will not inform the victim/witness of the quantity of the photographs or the number of times that the array can be shown.
 - vii. A victim/witness may view the array a second time upon request; however, a victim/witness cannot view the photo array more than twice under any circumstance.
 - viii. The array should be presented in a setting where there will be no distractions.

- ix. In the event of multiple victims/witnesses, do not let the victims/witnesses discuss their observations/identifications among themselves. The Independent Administrator should do what is necessary to keep the victims/witnesses separate and apart during the identification process. The Independent Administrator shall advise the victim(s)/witness(es) to not discuss the identification procedure or its results.
- g) Victim/Witness Recognition
 - i. If the victim/witness recognizes an individual, the Independent Administrator must ask the victim/witness to describe the circumstances in which they recognize the individual. The Independent Administrator will document the information given by the victim/witness.
 - ii. The victim/witness will be asked to write in his/her own words why they identified the suspect.
 - iii. The victim/witness will sign the photograph/sheet containing the identified individual.
 - iv. The Independent Administrator will not provide the victim/witness any feedback regarding the victim's/witness' identification.
- h) If the photographic array will be shown to additional/multiple victims/witnesses, the primary investigator shall prepare a separate photographic array with a different ordering of the subject photographs.
- i) A copy of the ordering used for each and every respective photographic array shall be documented and kept within SCSO's records.
- j) The primary investigator shall submit all original, completed photographic arrays and associated forms/documents to the SCSO Property Room supervisor.
- k) The primary investigator shall prepare a report of each and every photographic array shown and submit it to the SCSO Property Room supervisor. The report must include the date, time and location of the photographic array, and identify each photograph utilized in each respective array.
- l) The appropriate SCSO supervisory personnel shall ensure that the above procedures are followed by members of SCSO. If there are questions regarding the procedure or the showing of a photographic array, consult with the State's Attorney's Office or the appropriate supervisory SCSO personnel.

7. Case Load Ledger
 - A. An SCSO Investigation Caseload Ledger (Form 84) will be maintained for each police employee whose primary assignment is that of investigation including supervisory personnel.
 - B. The Criminal Section supervisor is responsible for completing and maintaining the ledger.
 - C. The ledger provides a concise indicator identifying investigative activity associated with an individual's assigned cases. The ledger is a management tool providing an avenue for supervision to become involved with case management.
8. Consuming Intoxicating Beverages
 - A. In every case where it is necessary for a SCSO employee to consume intoxicating beverages while on duty, written permission will be obtained from the employee's immediate superior. The written permission will be case specific as to the applicable date or dates.
 - B. If obtaining prior approval would jeopardize an investigation or the safety of a Deputy, then notification to the approving supervisor will be as soon as practical. The supervisor will document the notification on a Form 17.
 - C. A copy of the written permission and or post event notification will be forwarded to the employee's commander and filed in the employee's auxiliary personnel file.
 - D. Employees whose duty assignment may require the consumption of intoxicating beverages, will not do so to the extent that:
 - 1) their ability to perform their duty is impaired; and or
 - 2) if they drive or expect to drive, their ability to operate a motor vehicle is impaired.

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Section 3

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Section 4
Confidential Informants

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Section 5

Criminal Arrest Procedures

Fingerprinting and Photographing

1. Introduction

- A. Criminal Arrest information is transmitted by the Somerset County Sheriff's Office to the Criminal Justice Information Systems Central Repository by use of the Fingerprint Machine. This is the only procedure that is used to enter charges on an individual's criminal record. Disposition information is transmitted to CJIS-CR by the Courts.

2. Fingerprinting and Photographing

- A. Generally, fingerprints, palm prints and photographs should be taken each time as an individual is arrested for criminal law violations. Exceptions to this policy are:
 - 1) State or local regulation violations;
 - 2) Natural Resources Article violations;
 - 3) Bench warrants for failure to appear as a witness, or bench warrant for a traffic or child support warrants unless Court ordered;
 - 4) Service of a criminal information or indictment when the purpose is to place additional charges arising from the same incident for which the accused was previously arrested and charged;
 - 5) Arrests of individuals with a physical abnormality *e.g.*, total amputations, severe burns, casts, etc.; and

- 6) Other conditions that may delay printing, *e.g.*, hostility, unconsciousness, etc.; however, fingerprinting shall be a prerequisite of the individuals release.

3. Adult Arrest Processing

- A. Prior to processing, arrestees will be placed in a holding cell at the Somerset County Sheriff's Office.
 - 1) The arresting Deputy will check the holding cell for foreign objects before and after an arrestee is placed in the holding cell.
 - 2) Juveniles will not be placed in a holding cell with or adjacent to a holding cell occupied by an adult arrestee.
- B. Arrestees will be fingerprinted and photographed.
- C. The fingerprint card and photograph of the arrestee will be placed in the warrant file and given to the Warrant Control Supervisor.

4. Juvenile Arrest Processing

- A. Prior to processing and placing the juvenile in a holding cell, Deputies will ensure the following:
 - 1) Be sure of sight and sound separation.
 - 2) No status offenders will be placed in a holding cell or secured to any objects or be left unattended.
 - 3) The arresting Deputy will check the holding cell for foreign objects before and after a juvenile is placed in the holding cell.
- B. The arresting process includes fingerprinting the juvenile using the State of Maryland fingerprint card or any fingerprint card requested by the State of Maryland.
- C. On the fingerprint card, the arresting Deputy will check the "Other" block and indicate "Juvenile Delinquent" and then the appropriate charge.
- D. A Somerset County Sheriff's Office Detention Log and Request for Juvenile Charges must be completed with an incident report.
- E. **In accordance with state law, the incident report and accompanying reports must be submitted within the required 72 hours.**
- F. The arrest log will include time in, time out and the Detention Log sheet.
- G. The juvenile will not be left alone and will remain in continual supervision until release or the juvenile is taken to a secure juvenile holding facility.

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Section 6

Uniform Criminal Citation

1. Policy

- A. It is the policy of the Somerset County Sheriff's Office that a Deputy who has grounds to make an arrest for an offense that does not carry a penalty of imprisonment and who determines a defendant meets the criteria specified in Sub section 5 may issue a Uniform Criminal Citation in lieu of an arrest.
- B. The defendant shall be released upon their signature on the Uniform Criminal Citation.
- C. A Deputy who has grounds to make an arrest for possession of marijuana or an offense for which the maximum penalty of imprisonment is 90 days or less shall:
 - 1) Make the arrest;
 - 2) Search incident to arrest; and
 - 3) Fingerprint and photograph the defendant.
- D. If the Deputy determines the defendant meets the criteria in Sub section 5, the defendant shall be released upon his/her signature on the Uniform Criminal Citation in lieu of continued custody.
- E. The Somerset County Sheriff's Office employees shall not unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.
- F. The Somerset County Sheriff's Office employees shall not participate in the use of any discriminatory characteristics as a cause for taking any law enforcement action against any individual or group of individuals.
- G. In any decision to arrest, the safety of the Deputy is paramount.

2. Required Forms and Formats

A. **Uniform Criminal Citation DC/CR 45**

- 1) The Deputy shall use the Uniform Criminal Citation to charge a defendant by citation.
- 2) The Deputy shall use either:
 - i. The pre-printed/pre-numbered book provided by District Court; or
 - ii. In the case of electronic format, the assigned electronic citation number provided by the District Court.

B. **Somerset County Sheriff's Office Incident Report**

- 1) In addition to the Uniform Criminal Citation, the Deputy shall complete an Incident Report detailing the circumstances of the incident as required by Office policy.
- 2) A copy of the Incident Report shall be forwarded to the State's Attorney's Office with a copy of the Uniform Criminal Citation.

C. **Statement of Charges Form DC/CR 2**

- 1) Prepare a Statement of Charges if the defendant does not comply with Sub section 5.
- 2) If the defendant is charged on a statement of charges for an offense that qualifies for charge by citation, a note should be placed at the end of that statement of probable cause as to why the defendant went before the District Court Commissioner instead of being released on citation.

D. **Probable Cause Continuation Form DC/CR 4**

- 1) When a Deputy determines that a Uniform Criminal Citation shall be the form to charge a defendant, the Deputy shall use the pre-printed/pre-numbered book provided by the District Court or the assigned electronic citation provided by the District Court.
- 2) The Deputy shall use the statement of probable cause continuation sheet to complete the probable cause narrative outlining the facts and circumstances substantiating the charge.
- 3) The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet.
- 4) If for any reason the defendant is charged on a Statement of Charges instead of a criminal citation, a note should be placed at the end of the statement of probable cause as to why the person went before the District Court Commissioner in lieu of being released on the citation.
- 5) The names and addresses of the victims and witnesses shall only be listed on the Somerset County Sheriff's Office Incident Report and not on the citation.

- 6) In every case, copies of the Uniform Criminal Citation will be given to the defendant upon his/her release.
- 7) Under no circumstances should the Deputy try to write the entire probable cause statement on the first page of the Uniform Criminal Citation.
- 8) The Chief Deputy or his designee will be responsible for contacting the local State's Attorney's Office to ensure SCSO policy is consistent with the requirements of the State's Attorney.
- 9) The Sheriff or his/her designee shall issue standard operating procedures to ensure sworn personnel are in compliance with the State's Attorney's directives.

3. Qualifying Offenses

A. The following offenses qualify for charge by Uniform Criminal Citation:

- 1) Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
- 2) Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less; and
- 3) Possession of marijuana under Section §5-601 of the Criminal Law Article.

4. Exceptions

A. The following offenses may not be charged by Uniform Criminal Citation:

- 1) Failure to comply with a peace order under §3-1508 of the Courts Article;
- 2) Failure to comply with a protective order under §4-509 of the Family Law Article.
- 3) A violation of a condition of pre-trial or post-trial release while charges with a sexual crime against a minor under §5-213.1 of the Criminal Procedure Article.
- 4) Possession of an electronic device after conviction of a drug felony or crime of violence under §4-109(b) of the Criminal Law Article;
- 5) Violation of an out-of-state domestic violence order under §4-508.1 of the Family Law Article; and
- 6) Abuse or neglect of an animal under §10-604 of the Criminal Law Article.

5. Criteria for Issuance of Citation

- A. Although the law mandates the issuance of a Uniform Criminal Citation for the qualifying offenses, the Maryland General Assembly understood that a defendant must meet certain criteria to be released without approval by a District Court Commissioner.
- B. If the defendant cannot meet the criteria listed below, the Deputy must charge the individual on a statement of charges and ensure the defendant's appearance before the District Court Commissioner.
- C. Maryland law requires a law enforcement officer to charge a defendant by citation **only** if:
 - i. The Deputy is satisfied with the defendant's evidence of identity;
 - ii. The Deputy reasonably believes that the defendant will comply with the citation;
 - iii. The Deputy reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
 - iv. The defendant is not subject to arrest for another criminal charge arising out of the same incident which does not qualify for a criminal citation; and
 - v. The defendant complies with all lawful orders of the Deputy.
- D. In any case where a defendant appears before a District Court Commissioner in a citable case, the Deputy must state in the probable cause statement which criteria above the defendant failed to meet.

6. Report Distribution

- A. Copies of the Uniform Criminal Citation and Probable Cause Continuation sheet(s) shall be given to the defendant upon release.
- B. Copies of the Uniform Criminal Citation, Probable Cause Continuation Sheet, AR or Incident Report will be reviewed prior to distribution to the States Attorney.
- C. Copies of the Incident Report and Uniform Criminal Citation shall be adhered to as outlined above in Sub section 2.

7. Law Enforcement Reporting – Statistical Data Collection

- A. On or before December 31, 2012, MPCTC and MSAC in consultation with the Administrative Office of the Courts (AOC) will develop a format and procedures for the collection of certain criminal citations data. Beginning January 1, 2013 law enforcement agencies are required to collect the following data on all criminal citations issued:
 - 1. The race or ethnicity of the offender as:
 - a) Asian;
 - b) Black

- c) Hispanic;
- d) White; or
- e) Other.

- B. Law enforcement officers will enter all citation data electronically via Delta+. This data gets stored by MSP who will submit citation data for all law enforcement agencies in the state to MSAC by March 1 each subsequent year. Officers will print out electronic criminal citations and follow current hardcopy procedures with the Courts.

Office of the Sheriff
Somerset County, Maryland

General Order: 01-14-26

Effective Date: September 1, 2014

Revised Date:

Section 7

Missing Person Investigations

1. Purpose

The purpose of this directive is to establish guidelines for investigating missing persons.

2. Policy

It is the policy of the Office of the Sheriff to thoroughly investigate all reports of missing persons. Additionally, the Office of the Sheriff holds that every person reported as missing will be considered at risk until significant information to the contrary is confirmed.

3. Report and Investigation of Adult Missing Persons

- A. "Missing Adult": person who is 18 years of age or older and the subject of a missing persons report and whose whereabouts are unknown.
- B. Initial Investigation: Upon receipt of a report of a missing adult, the responding deputy shall immediately determine if the case meets the criteria of a "Critically Missing Adult."
- C. "**Critically Missing Adult**": A missing adult who meets one or more of the following criteria:
 - 1) The missing adult suffers from a mental or physical handicap or illness such as Alzheimer's or dementia.
 - 2) The disappearance of the missing adult is of a suspicious or dangerous nature.
 - 3) The person filing the report of a missing adult has reason to believe the missing adult may have been abducted.

- 4) The missing adult appears to have just wandered away from a location and the weather conditions are such that extended exposure to the weather may be harmful to the person's well-being.
 - 5) The missing adult is 70 years of age or older.
- D. If the missing adult is determined to be a "Critically Missing Adult," then the following actions shall be immediately taken by a deputy:
- 1) Institute appropriate intensive search procedures and include an attempt to locate broadcast to all area police agencies. Notify and enlist the aid of the Department of State Police at 1-800-636-5437 or 410-653-4200 and at Carla.Proudfoot@maryland.gov
 - 2) A criminal investigator shall be immediately dispatched to the scene to conduct an interview of family and friends to get a timeline for the missing adult for information that could be useful in the search for the missing adult.
 - 3) Complete a Missing Persons Report. (MPR)
 - 4) Complete an Incident Report in cases of abduction or where foul play is suspected.
 - 5) Cause all available information pertaining to the missing adult to be entered into NCIC via MILES as soon as possible.
 - 6) Obtain a recent photograph of the missing adult. If possible, obtain several photographs taken at different angles.
 - 7) Secure scent articles from the missing adult that can be used by K-9 Search Teams.
 - 8) Submit a completed Incident Report prior to the investigating Deputy before going off-duty. The initial report shall include:
 - i. MPR and narrative.
 - ii. Photographs of the missing adult.
 - iii. Copies of all NCIC entries.
 - iv. Any other written documentation pertaining to the case obtained during the initial phase of the investigation.
 - 9) The Criminal Investigator will respond and immediately assume responsibility of the investigation of a "Critically Missing Adult" case.
 - 10) The Criminal Investigator shall:
 - i. Ensure the initial investigation is handled properly.
 - ii. Conduct immediate follow-up investigation on the case to locate the critically missing adult.

4. In non-critically Missing Adult Cases, the following actions will be taken by a deputy:
 - A. Complete a Missing Persons Report. (MPR)
 - B. Institute appropriate search procedures to include an ATL broadcast to all area police agencies.
 - C. Obtain a recent photograph of the missing adult. If possible, obtain several photographs of the missing adult taken from different angles.
 - D. Submit a completed Missing Person prior to the investigating Deputy before going off duty. The MPR shall include:
 - 1) MPR and narrative.
 - 2) Photographs of the Missing Adult.
 - 3) Any other written documentation pertaining to the case obtained during the initial phase of the investigation.
 - E. In order to reduce the possibility of incorrect information being disseminated through the NCIC Computer from a report of a Missing Person or a Runaway, the "Missing Person Documentation Form" will be used in conjunction with the State of Maryland "Missing Persons Report" form.
 - F. The "Missing Person Documentation Form" will be given to the complainant, along with an explanation as to the purpose of the form as follows:
 - 1) By having the complainant complete the "Missing Person Documentation Form," descriptive information on the missing person is enhanced thereby decreasing the chances that someone other than the missing person might be detained through incorrect identifying traits.
 - 2) By having the complainant complete the "Missing Person Documentation Form," they are agreeing to notify the SCSO of the return of the person(s) missing or runaway as required by the Family Law Article. The timely notification of the return of a missing person decreases the chances of that person being detained after returning because they are still maintained as missing in NCIC.
 - G. The reporting Deputy will ensure that the "Missing Person Documentation Form" is completed accurately and in its entirety before the conclusion of the interview with the complainant.
 - H.
5. Dissemination of Collected Information:
 - A. The Somerset Central 911 Center will notify allied agencies of all missing persons via NCIC, teletype, fax or by telephone.
 - B. The Somerset Central 911 Center will provide a lookout for the missing person via radio and will provide a detailed description of the missing person.

6. Entry and Removal of Information in the Criminal Justice Information System Computer.
 - A. The investigating deputy shall cause all available information pertaining to the missing adult to be entered into NCIC via MILES prior to the submission of the MPR for supervisory review.
 - B. The "Missing Person Documentation Form" and the "Missing Persons Report" shall be used to complete the NCIC entry.
 - C. Missing Adult Case Closure: Whenever a missing adult has been located, it shall be the responsibility of the Deputy or criminal investigator assigned to the case, to ensure:
 - i. The location of the missing adult is confirmed.
 - ii. The location or nature of closure is ascertained and recorded in a Supplement Report. The report shall also include the condition of the missing adult at the time he/she was located.
 - iii. The missing adult is immediately removed from MILES/NCIC following confirmation of being located.
 - D. There will be follow-up contact with the complainant or reporting person no later than 24 hours after the filing of the initial report of a missing adult to ensure that the missing adult has not been located.

7. Follow-up Investigation
 - A. If the missing adult has not been located within 24 hours of being reported as missing, the criminal investigator will reclassify the case to "Critically Missing" and implement the additional procedures as directed for in "Critically Missing Adult" cases.
 - B. Three (3) Day Time Period: If a missing adult has not been located within three (3) calendar days of being reported as missing, it shall be the responsibility of the Criminal Investigation Supervisor to:
 - 1) Ensure a comprehensive news release is prepared and disseminated according to agency policy related to media relations.
 - 2) Provide a photograph for publication with the news release.
 - 3) Ensure a copy of the news release is placed in the missing person case file.
 - C. Extended Missing Adult Investigations: If a missing adult has been missing for 30 calendar days after the initial report of being missing, it is the responsibility of the Criminal Investigator to ensure:
 - 1) A NCIC Missing Persons Packet is completed.
 - 2) All additional information, including dental records, is entered into MILES/NCIC.
 - 3) The investigation is continued and the complainant is periodically contacted.

8. Missing Persons Working Case File

- A. A Missing Persons Working Case File shall be maintained by the Somerset County Sheriff's Office. This will ensure that:
 - 1) Information concerning the investigation is constantly available and accessible;
 - 2) Duplication of effort is eliminated if more than one deputy is assigned to follow-up on the case at different time periods; and
 - 3) The case is being properly handled.
- B. The Missing Persons Working Case File shall contain:
 - 1) A State of Maryland "Missing Persons Report" and narrative.
 - 2) Copies of the draft supplement reports of follow-up investigations.
 - 3) Copies of all teletypes, news releases, letters, posters, and any other written documentation available concerning the case.
 - 4) Maintain a "Status Board" of open Missing Persons Cases in the Duty Officer's Area.
- C. The Missing Persons Working Case File shall be arranged in chronological order.
- D. Upon closure of a Missing Persons Case, the Working Case File will be forwarded to Central Records for placement in the Master Case File.

9. Missing Persons Master Case File

- A. A Missing Persons Master Case File shall be maintained by Central Records.
- B. The Missing Persons Master Case File shall contain:
 - 1) The original State of Maryland "Missing Persons Report."
 - 2) The final approved Missing Persons Report or Incident Report filed with the State of Maryland.
 - 3) The final approved Supplemental Criminal Investigation Reports on all follow-up investigation.
 - 4) The original of all teletypes, news releases, letters, posters, and any other written documentation available concerning the case.
 - 5) The Working Case File once the case has been closed.

10. Criminal Investigation Section - Missing Persons Investigations

- A. If the Criminal Investigation Section is assigned to a missing person's case because of the criteria set forth in this General Order, it shall be the Criminal Investigation Supervisor's responsibility to ensure the Working Case File is kept up to date.

11. Additional Investigative Procedures

- A. The only exception to changing the time periods mandated by this General Order would be to shorten the periods between investigative steps.
- B. A copy of the National Center for Missing and Exploited Children "Investigator's Guide to Missing Child Cases" should be used as an investigative guide.

- C. The identities, name, address, etc. of all persons interviewed and the information they provide, helpful or not, will be recorded in the report during a missing persons investigation. Occasionally, false or misleading information is given to authorities for a variety of reasons during missing person investigations, and it may be necessary to re-interview persons previously contacted.

12. Interaction with Other Law Enforcement Agencies

- A. Request for Assistance by Other Agencies: When a request for assistance in a missing persons case, either child or adult, is received from another agency, it is the responsibility of the criminal investigator to ensure:
 - 1) If the request is received by teletype, an immediate reply confirming receipt shall be caused to be sent to the originating agency with assurance of cooperation;
 - 2) An immediate investigative response to the request is assigned and conducted;
 - 3) A message is sent to the originating agency upon completion of the investigation advising the results of the investigation; and
 - 4) The investigation is recorded on an Incident Report as an Assist to Other Police Agency – Missing Persons Report.

13. Missing Children

- A. Family Law Article, Section 9-402 establishes mandated standards for all law enforcement agencies within the State of Maryland to ensure prompt and thorough police action in response to reports of missing children. This General Order defines departmental policy and procedures in accordance with this section.
- B. “Missing Child” is defined as a person who is under the age of 18 years who is the subject of a missing persons report and whose whereabouts are unknown.
 - 1) The Sheriff’s Office shall work diligently to find all missing children.
 - 2) The Criminal Investigation Supervisor shall be notified of all missing children that are reported to the Sheriff’s Office.
 - 3) The Sheriff shall be notified of all missing children when the circumstances dictate that intensive search efforts will be implemented.
 - 4) The Criminal Investigation Supervisor shall immediately notify the appropriate inter and intra agencies of missing children and will coordinate the appropriate response from these allied agencies. This notification shall include the last seen location of the child and all additional information that has been gathered at the time of the notification. It is the responsibility of the Criminal Investigation Supervisor to update the allied agencies as additional information is available

14. Amber Alert Plan

- A. When a child is reported to be involuntarily missing from person(s) having caretaking responsibilities for the child, it may be determined the Amber Alert Plan needs to be activated.
- B. The Maryland State Police will set the Maryland Amber Alert Plan in motion only upon requests made by law enforcement. The Sheriff's Office personnel authorized to make such a request will be the Criminal Investigation Supervisor.
- C. The criminal investigator must first determine that the following criteria exists:
 - 1) Verify the child has been abducted;
 - 2) Determine the circumstances surrounding the abduction that indicate the child is in danger of bodily harm or death;
 - 3) Ensure there is enough descriptive information about the child, abductor and suspect's vehicle to believe an immediate broadcast Amber Alert would help; and
 - 4) Determine if the abductor and/or child are likely still in the broadcast area.
- D. Child abduction by a non-custodial parent is not a case which would routinely meet the Amber Alert Plan criteria, unless the investigating personnel can articulate a reasonable suspicion that the parent intends to physically harm the child.
- E. Upon confirmation of the above criteria, the MSP Headquarters Duty Officer will be contacted to request the Maryland Amber Alert Plan be activated. The contact numbers and the MSP Amber Alert Plan will be kept by the Duty Officer, Maryland State Police Headquarters, Pikesville, Maryland.
- F. Once the Amber Alert Plan is activated, a Tips Line Center will be established at the Sheriff's Office. Tip lines will be activated and personnel will be assigned to receive incoming calls. The Patrol Commander will coordinate the activities of the Tips Line Center.
- G. A criminal investigator(s) will be assigned to follow-up on all leads received.
- H. The criminal investigator will update the Sheriff for press briefings.
- I. If the child has not been located within twenty-four (24) hours, the Amber Alert will be cancelled.

15. Actions and Responsibility at the Report of Sighting of a Missing Child

- A. Somerset Central 911 Center
 - 1) Notify the criminal investigator who will in turn notify the Sheriff.
 - 2) Dispatch deputies to the scene or last reported location of the child.
 - 3) For a child under the age of 18, all information must be entered into NCIC via Meters within 4 hours of receiving report.

B. Initial Deputy Assigned

- 1) Initial Investigation: Upon receipt of a report of a missing child, a missing persons investigation shall be immediately opened. The initial investigating deputy will immediately determine if one or more of the following criteria exist:
 - i. The reported missing child has not been the subject of a prior missing persons report;
 - ii. The missing child suffers from a mental or physical handicap or illness;
 - iii. The disappearance of the missing child is of a suspicious or dangerous nature;
 - iv. The person reporting the child as missing has reason to believe the missing child may have been abducted, including non-custodial parental abduction;
 - v. The missing child has ever previously been the subject of a child abuse report filed with a law enforcement agency;
 - vi. The missing child is under 17 years of age; and
 - vii. If any of the above factors exists, the child will be designated as a "Critically Missing" child and the procedures set forth in this General Order for a "Critically Missing" child will be implemented immediately.

C. Critically Missing Children Cases: For Critically Missing children cases, the initial investigating deputy will:

- 1) Complete a State of Maryland MPR.
- 2) Complete an IR for suspected abduction cases, including non-custodial parental abduction.
- 3) Institute appropriate intensive search procedures which will include an (ATL) broadcast to all area police agencies and the coordination of a volunteer search team using appropriately trained personnel.
- 4) "The SCSO prefers that searches be conducted only by trained personnel, but will use the services of citizens when circumstances are such that additional assistance is needed."
- 5) Cause all available information pertaining to the missing child to be entered into NCIC via METERS prior to the submission of the MPR for supervisory review.
- 6) Obtain a recent photograph of the missing child. If possible, obtain several photographs of the child taken from different angles.

- 7) Obtain and secure scent articles from the missing child that can be used by K-9 search teams to locate the missing child.
- 8) Notifications:
 - a) Notify a Sheriff's Office criminal investigator to respond immediately and conduct an in-depth interview of the reporting person and family to determine a timeline of at least the last 7 days for the missing child.
 - b) Notify the Maryland Center for Missing Children (MCMC) by telephone and forward a copy of the MPR to the MCMC.
 - c) The mandated notification of the National Center for Missing and Exploited Children and State Clearinghouse for Missing Children will be made by MCMC.
 - d) Notify the local Department of Social Services (DSS) to determine if the child/family has a history of abuse or neglect and obtain any information that may assist in locating the missing child.
 - e) Notify and enlist the aid of the Department of State Police at 1-800-636-5437 or 410-653-4200 and at Carla.proudfoot@maryland.gov.
- D. If the reported missing child case does not meet the criteria of "Critically Missing," the assigned initial investigating deputy will:
 - 1) Complete an MPR.
 - 2) Institute intensive search procedures which will include an ATL broadcast to all area police agencies.
 - 3) Obtain a recent photograph of the missing child. If possible, obtain several photographs of the child taken from different angles.

16. Shift Supervisor Responsibilities for Non-Critically Missing Children Cases

- A. Ensure the initial investigation is handled properly.
- B. Cause immediate follow-up investigation if the initial investigating deputy ends his tour of duty and develops any investigative leads.
- C. Provide for follow-up contact with the complainant or reporting person no later than 12 hours after the filing of the initial MPR to determine if the child has been located.
- D. If the child has not been located within a 12 hours period, the shift supervisor will reclassify the case to "Critically Missing" and implement the additional procedures as directed for "Critically Missing" children cases.

17. Criminal Investigator Responsibilities

- A. Twenty-four (24) Hour Time Period: If a missing child has not been located within 24 hours of the filing of a MPR and there is reason to believe the missing child may be located in a jurisdiction outside of Somerset County, it shall be the responsibility of the Deputy to.
- B. Contact the appropriate police agency by telephone and teletype within the jurisdiction it is believed the missing child is located and provide the necessary information with a request for assistance in the case. To satisfy the legal mandate, a copy of the message will be sent to the Maryland Center for Missing Children (MCMC) and the Maryland State Police.
- C. The Maryland State Police shall be contacted to enter into the investigation to assist the Sheriff's Office in locating the child.
- D. Maintain copies of the teletypes and any replies for the case file.
- E. Ensure a comprehensive news release is prepared.
- F. Disseminate the news release to the media in accordance with Departmental policy.
- G. Provide a photograph of the missing child for publication along with the news release.
- H. Ensure a copy of the news release is placed in the Missing Persons case file.
- I. Conduct immediate follow-up investigation in an attempt to locate the missing child.

18. Extended Missing Children Investigations:

- A. If a child has been missing for 30 calendar days after the filing of the initial Missing Persons Report, it shall be the responsibility of a Criminal Investigation Section Supervisor to ensure:
 - 1) An NCIC Missing Persons Packet is completed and forwarded to the Maryland Center for Missing Children (MCMC).
 - 2) All additional information, including dental records, is entered into NCIC.
 - 3) The investigation is continued and the complainant is periodically contacted.
- B. Missing Child Case Closure: Whenever a missing child has been located, it shall be the responsibility of the Criminal Investigator to ensure:
 - 1) The recovery of the missing child is confirmed.
 - 2) The circumstances of the return or nature of the closure is ascertained and recorded. The circumstances shall include the condition of the child at the time the child is located.
 - 3) The missing child is immediately removed from NCIC following confirmation of being located.
 - 4) Notify the Maryland State Police, if it has entered the investigation, that the child has been located.
 - 5) Arrange, whenever possible, a personal interview of the missing child. The interview should be conducted with the following considerations:

- 6) Treat the child as a victim.
- 7) Explore the possibility of physical or sexual abuse in the home
- 8) Attempt to learn what the child did to survive during the absence. The appropriate interview of the child can reveal other forms of exploitation or other criminal activity. Getting the child to talk may provide valuable intelligence as well as leads to other cases.
- 9) Once the missing child has been interviewed and the interviewer is satisfied the child has provided enough information, the case can be closed. The interviewer should ensure that the child will not be endangered if allowed to remain in the home.

19. Non-Waiting Period/Non-Discouragement Action

- A. Non-Waiting Period/Non-Discouragement Action – Maryland Law prohibits a waiting period before an investigation to locate a missing child is initiated after receipt of the report of a child as being missing. The same law prohibits discouragement of the filing of a report or the taking of any action on a report that a child is believed to be missing.

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Robert N. Jones

Sheriff

Somerset County, Maryland