




*Maryland-National Capital Park Police  
Prince George's County Division*



**DIVISION DIRECTIVE**

TITLE <b>EVIDENCE PROCEDURES</b>		PROCEDURE NUMBER <b>PG1200.0</b>	
SECTION <b>Property Procedures</b>	DISTRIBUTION <b>A</b>	EFFECTIVE DATE <b>09/01/19</b>	REVIEW DATE <b>05/21/19</b>
REPLACES <b>PG1200.0 "Evidence Procedures", issued 10/25/16</b>			
RELATED DIRECTIVES <b>PG1200.1, 1201.0</b>	REFERENCES	AUTHORITY  <b>Chief Stanley R. Johnson</b>	

**I. PURPOSE**

This directive establishes formal procedures governing the operation of the evidence function and providing the best possible service to the Division. The word "property" includes found property, recovered stolen property, evidence and contraband.

**II. POLICY**

It is this Division's policy to see that all property in its custody shall be diligently protected and secured by strict adherence to this directive's procedures. The Property Specialist shall be responsible for the security of all evidence, found property, recovered stolen property and property held by this Division for safekeeping.

**III. DESIGNATED STORAGE AREAS (DEFINITIONS)**

To ensure the integrity of all items of evidentiary value, a designated area shall be assigned and used for the storage of evidence. The Property Specialist or his/her designee shall be the only person(s) having access to areas used by the Division for storage of property, found property, recovered stolen property or property held for safekeeping.

- A. Property Room - Shall be used solely for storing property, evidence, and related records and supplies.

## **EVIDENCE PROCEDURES**

### **PG1200.0**

- B. Drugs and Money Vault - In the Property Room - drugs such as PCP, Cocaine, Heroin, LSD, shall be stored in this vault. Whenever there is additional space, Marijuana may also be stored in the vault. All money shall be stored in the safe until deposited in a drug enforcement fund, general fund or returned to its rightful owner.
- C. Outside Shed - Shall be used for storing bicycles and found property which is too large to be stored in the property room.
- D. Gun Safe - In the Property Room - for the storage of guns (not BB or pellet), precious metals, jewelry, gemstones, and other items of value or an unusual nature.
- E. Auxiliary Evidence Storage Room - Additional storage space to be used as needed.
- F. In the event that any item(s) will not fit in any of the approved areas, or have special or unique storage requirements, a decision as to where the item(s) will be stored will be made by the Property Specialist and a Supervisor from Support Services.

## **IV. PROCEDURES/RESPONSIBILITY**

- A. General Provisions
  - 1. All Officers
    - a. Shall check all property meeting NCIC guidelines for submission through NCIC prior to turning it over to the Property Specialist. This will include ALL firearms. The results shall be noted in the initial report. Firearms shall be packaged with the serial number side facing upwards.
    - b. Shall use a numbered Property Record in all cases where the Division has custodial care of property, regardless of the manner, or length of time in which the property comes into the possession and custody of the Division.
    - c. Shall completely fill out the Property Tag and secure the tag to all property and evidence.
    - d. Shall document the circumstances of obtaining or seizing property on the appropriate form.
      - 1) Crime Report, Incidental Report, Property Report, Property Record, ACRS Report, or Citation
        - a. Record, ACRS Report, or Citation
    - e. When required to do so, officers shall package and label item(s) that must be submitted to the laboratory for analysis in the medium size evidence bags (506). These items shall be packaged in a different bag

## EVIDENCE PROCEDURES

### PG1200.0

than the bags containing item(s) that need not be submitted for analysis. Different types of CDS being submitted simultaneously for analysis must be packaged in separate containers. This shall be done prior to turning the property over to the Property Specialist. NOTE: under 10 grams of marijuana will not be analyzed by the lab.

- f. The Property Record(s) shall remain with the item(s) until received by the Property Specialist.
- g. Distribution of Property Record(s):
  - 1) Original shall remain with the evidence or property.
  - 2) A copy will be submitted to the Records Section.
- h. Shall ensure that all property is turned over to the control of the Property Specialist prior to the end of the current shift that the officer is working, unless otherwise specified or authorized by a supervisor.
- i. Shall, when evidence is required for court, further investigation, etc., notify the Property Specialist in a timely manner, using the proper form.
- j. Shall return all evidence to the Property Specialist immediately upon completion of the court appearance or when it is no longer needed for investigative purposes. Proper chain of custody will be maintained and documented on the Property Record.

#### 2. Property Specialist

- a. Shall be responsible for logging all property and evidence into Division records without unnecessary delay.
- b. Shall be responsible for the safekeeping and storage of property and evidence.
- c. Shall maintain a file of the Original Property Record(s) on all current cases.
- d. Shall return a copy of the original Property Record to the initiating officer after signature.
- e. Shall receive evidence in the evidence room.
- f. Shall oversee the temporary release of evidence for court appearances and investigative purposes. Proper chain of custody will be maintained and documented on the Property Record.

#### B. Found Property

##### 1. All Officers

- a. Shall complete the Property Record(s) and securely attach the Property Tag(s) to all property/evidence.

## **EVIDENCE PROCEDURES**

### **PG1200.0**

- b. Shall attempt to locate the owner of the property and note details of the attempt in the report.
- c. Shall place the property in property room, when it will fit in the space, or store the property as directed by a supervisor.

#### 2. Property Specialist

- a. Shall maintain a file consisting of the original Property Record for all found property.
- b. Shall secure all found property.

### C. Recovered Stolen Property

Definition: Property that has been determined to have been stolen.

#### 1. All Officers

- a. Shall complete the Property Record(s) and the Property Tag(s).
- b. Shall attach the Property Record to the property and turn the entire package to the Property Specialist.
- c. Shall see that an NCIC entry is made reference the recovery of the property.
- d. Shall attempt to locate the owner of the property and note details of the attempt in the report.

#### 2. Property Specialist

- a. Shall log the property.
- b. Shall return a signed copy of the Property Record to the initiating officer.
- c. Shall secure the property.
- d. Shall maintain a file consisting of the original Property Record for all property.

### D. Property Secured For Safekeeping

Definition: Property that has been placed in the custody of this Division temporarily by the owner, or personal property of a deceased person that is not evidence and is held in custody until claimed by the next of kin.

#### 1. All Officers

- a. Shall complete the Property Record(s) and the Property Tag(s).
- b. Shall attach the Property Record to the property and turn in to the Property Specialist.

## EVIDENCE PROCEDURES

### PG1200.0

- c. Shall give a photocopy of the Property Record to the person who owns the property or has turned over custody of the property to this Division.

2. Property Specialist

- a. Shall log in the property.
- b. Shall return a signed copy of the Property Record to the initiating officer.
- c. Shall secure the property.
- d. Shall maintain a file consisting of the original Property Record for all property.

- E. Evidence

Definition: Property taken in a crime, used to commit a crime or left at the scene of a crime, which may be needed for use in a court of law.

1. Evidence not requiring laboratory analysis.

- a. All Officers

- 1) Shall package and seal evidence in the appropriate container (evidence bag, cardboard box, and so on). Evidence that is too large to be packaged need only be tagged with the Division's property/evidence tag. Complete the Property Record and the Property Tag. Securely attach the evidence tags to the evidence. Submit all copies of the Property Record with the evidence and turn in to the Property Specialist. Give a photocopy, as a receipt for the evidence to the person who either owns the property or has turned it over to the Division. Within 72 hours of a case's adjudication, advise the Property Specialist of the disposition and whether or not the evidence can be released or destroyed.

- b. Property Specialist

- 1) Shall log evidence.
- 2) Shall secure evidence in the evidence room or annex.
- 3) Shall return a signed copy of the Property Record to the initiating officer.

2. Evidence requiring laboratory analysis

- a. All Officers

- 1) Shall package and seal evidence in the appropriate container. If CDS, the "appropriate container" shall be the officially approved

**EVIDENCE PROCEDURES**  
**PG1200.0**

plastic bag (medium size 506) that must be heat-sealed, signed and dated, prior to being submitted to the Property Specialist.

- 2) Shall complete the Property Record.
- 3) Shall complete the Property Tag and attach it to the evidence container.
- 4) Shall fill out the Prince George's County Police Dept. / Chain of Custody Log/ Analysis Request Report. (P.G.C. Form # 3747) when forwarding to the PGPD Drug Laboratory.
- 5) Shall submit all copies of the Property Record to evidence.

c. Property Specialist

- 1) Shall log in the evidence.
- 2) Shall return a signed copy of the Property Record to the initiating officer.
- 3) Shall transport the evidence to the laboratory for analysis. Once this analysis is completed, the Property Specialist shall return the evidence to Division custody. If the laboratory performing the analysis is outside the Washington Metropolitan Area, the evidence may be shipped via UPS or Federal Express (1) day service.
- 4) Shall secure the evidence in the evidence room or annex.

3. Seized contraband

Definition: Any property that cannot be legally possessed by reason of statutory law, ordinances or common law, i.e., CDS, fireworks, illegal knives (i.e.: switchblades).

a. All Officers

- 1) Shall package and seal contraband in a container appropriate to the type of contraband.
- 2) Shall complete the Property Record, submitting same with the item(s).
- 3) Shall advise the property specialist if any charges are pending reference to the seizure of the contraband and whether or not the contraband may be destroyed. If the contraband can be destroyed, the submitting officer shall so advise the Property Specialist via the Property Record attached to the contraband.

b. Property Specialist

- 1) Shall log in the contraband.
- 2) Shall return a signed copy of the Property Record to the initiating officer.
- 3) Shall secure the contraband in the evidence room or annex.

## EVIDENCE PROCEDURES

### PG1200.0

#### F. Handguns Seized as Evidence

Whenever a handgun comes into the possession of this Division, the following procedures shall be followed:

##### 1. All Officers

- a. Shall complete the Property Record and the Property Tag(s), attaching them to the handgun and turn all in to the Property Specialist.
- b. Shall complete the Prince George's County Firearms Examination Unit Firearms Package, including an MSP form 97 and an ATF National Tracing Center Trace Request.
- c. The officer shall then forward the package to Records for forwarding to the Property Specialist, the Licensing and Permit Division of the Maryland State Police, and the ATF.

##### 2. Property Specialist

- a. Shall log in the handgun.
- b. Shall return a signed copy of the Property Record to the initiating officer.
- d. Shall secure the handgun in the gun safe.
- e. Shall direct the officer to transport the handgun for testing at the Prince George's County Police Firearms Examination Unit (FEU).

#### G. Seized Weapons Other Than Handguns and Handguns Kept For Safe Keeping.

Seized weapons for the purpose of this section are those taken for civil violations (Park Rules, Natural Resources Act, and Juvenile Civil) and those seized pursuant to state law/court order in Domestic Violence cases.

##### 1. All Officers

- a. Shall complete a Property Record form and attach a Property Tag to the weapon.
- b. Shall secure the weapon with all copies of the Division Property Record in the property room after the weapon is made safe.
- c. Shall check NCIC to see if the weapon is reported stolen.
- d. Shall advise the owner at the time of seizure that the weapon may be released by the Division's Property Specialist after the citation is paid or after the case is adjudicated.
- e. Shall mark the Property Record "May be released after citation is paid or case is adjudicated and weapon has not been ordered forfeited or destroyed by the court."

## EVIDENCE PROCEDURES

### PG1200.0

#### 2. Property Specialist

- a. Shall log the weapon into the evidence log.
- b. If the owner fails to claim the weapon within 90 days of notification by the Property Specialist, the weapon may be destroyed or retained for the Division's use.
- c. Shall release/dispose of the weapon as directed by the Property Record. If the weapon is a firearm other than a handgun, the property specialist will ensure the individual to whom the weapon is released is permitted to possess the weapon pursuant to the Public Safety Article § 5-133.

#### H. Seized Computers, Computer Related Evidence and Magnetic Media

When computer equipment of any type, whether operating or not, is the subject of a search and/or seizure, the investigating officer should immediately notify the Prince George's County Police Computer Forensic Unit (CFU) for expert assistance. Specially trained CFU investigative staff may accompany the investigating officer during the issuing of the search and/or seizure warrant and retrieve data files, hard drives, thumb drives and magnetic media to minimize any loss of data due to improper start-up or shutdown procedures. In the event that CFU personnel are not available the following steps should be followed when issuing a search and/or seizure warrant where computer related items are being seized:

##### 1. All Officers

- a. Shall notify the Investigative Operations Manager or designee prior to issuing the search and/or seizure warrant.
- b. Shall complete the appropriate Division Property Record and P.G.C. Forms requesting analysis, so that chain-of-custody is maintained for court purposes.
- c. Shall transport all computer related equipment, i.e., hard drives, diskettes, directly to CFU for analysis.
  - 1) "Request for Analysis" form should include type of examination requested, type of information investigator is looking for (i.e., names, places, etc.) and other information that would aid in the recovery of requested data.
  - 2) Itemize all items on a CFU "Request for Analysis" form.
  - 3) All requests for examination must be directly related to a case.



**EVIDENCE PROCEDURES**  
**PG1200.0**

- d. Shall, if CFU is not available, drop off seized computer related equipment to the Property Specialist with all completed reports. If after hours, investigative officers shall make arrangements to secure the property, maintaining chain-of-custody by contacting the Operation Duty Officer/Supervisor.
2. Property Specialist
- a. Shall log the computer equipment into evidence when the officer seizes any computer related equipment and the CFU is not available or open for immediate storage of seized property.
  - b. Shall release seized computer related equipment to investigative officer as soon as practical for delivery to CFU.
3. Operations Duty Officer/Supervisor
- a. Shall ensure such property is held until the requesting officer can transport the items directly to CFU.
  - b. Shall, when the requesting officer is unable to transport the property to CFU, ensure the property is transported and the appropriate chain of custody information is recorded on the Division Property Record.
4. Computer Forensic Unit (CFU)
- a. Upon completion of analysis, CFU will:
    - 1) Send a Report of Findings to the requesting officer.
    - 2) Send a copy to the requesting officer of all or a portion of the evidence found on the analyzed media.
    - 3) The recovered evidence will be submitted to the requesting officer in magnetic format either on a CD.
  - b. In cases having voluminous evidence it may be impractical for CFU to deliver all evidence recovered to the requesting officer. If the officer or the State's Attorney's Office requires any portion of the analyzed item(s), the request will be honored in all cases.
  - c. When possible, a copy of all recovered evidence will be stored at CFU. CFU will submit all completed, analyzed evidence to the Property Section. This will be indicated in the last paragraph of the analysis report, "Report of Findings".

## EVIDENCE PROCEDURES

### PG1200.0

#### I. Fireworks and Flammable Liquids

The following procedures shall be followed whenever fireworks, explosives, dangerous and/or flammable liquids come into the possession of this Division.

##### 1. All Officers

- a. Shall advise Communications that explosives, fireworks or a flammable liquid have been found or recovered and that the Fire Marshall's Office should be notified immediately to determine proper disposal methods. The Fire Marshall may either respond to the scene of the recovery or to Park Police Headquarters to take custody of the property, whichever is most practical or safest.
- b. None of these types of items will be brought into the building for storage.
- c. Shall complete the Property Record and the Property Tag, attaching it to the recovered property as appropriate.
- d. Shall, if the material will be needed for court, make a notation on the Property Tag that states **HOLD FOR COURT**. If the material will not be needed for any reason, then the notation on the Property Tag should read **MAY BE DESTROYED**. Make the same notations on the Property Record.
- e. Shall, once the change of custody has taken place, have the Fire Marshall sign the Division Property Record in the appropriate place, indicating change of custody.
- f. Shall forward the original Property Record to the Property Specialist.

##### 2. Property Specialist

- a. Shall file the original Property Record.
- b. Shall return a signed copy of the Property Record to the initiating officer.

#### J. Use of Refrigerated Storage Facilities

The refrigerated storage facilities may be used for the preservation of perishable items.

##### 1. All Officers

## EVIDENCE PROCEDURES

### PG1200.0

- a. Shall complete a Division Property Record form and a Property Tag.
- b. Shall heat seal the property in an appropriate container.
- c. Shall include with the Property Record any special instructions needed for testing/analyzing evidence.
- d. Shall contact the Property Specialist to arrange for refrigerator storage.

#### 2. Property Specialist

- a. Shall log the property.
- b. Shall see that the evidence is tested/analyzed at the appropriate lab, if testing is requested by the initiating officer.
- c. Shall insure that the evidence is secured in the refrigerator located in the evidence room.
- d. Shall return a signed copy of the Property Record to the initiating officer.
- e. Shall dispose of the evidence when it is no longer needed after signature.

#### 3. Operations Duty Officers/Shift Supervisors

Shall, after regular working hours, notify the Division's Property Specialist if the evidence refrigerator must be used for the purpose of securing additional evidence.

#### K. Disposition of Property

Property not needed for court or other law enforcement purposes will be held for 90 days. The property will be disposed of as follows:

##### 1. Release to owners

Property owners must have proper identification. Acceptable photo identification shall include any government issued identification or a driver's license. A minimum of one of the aforementioned types of identification will be required.

##### 2. All Officers

- a) Shall use the Property Record form in all cases where the Division has custodial care of property, regardless of the manner or length of time in which the property comes into the custody of the Division.

**EVIDENCE PROCEDURES  
PG1200.0**

b) Shall return the property to its rightful owner if ownership can be determined during the regular tour of duty. A Property Record form must be completed by the officer and signed by the owner. If not, the officer shall secure the completed Property Record and property in the property room.

2) Property Specialist

- a) Shall log in the property and, if no owner can be located within 90 days, shall dispose of the property.
- b) If an owner is located, the Property Specialist shall advise the owner of the release procedures.

b. Release of Property to “Finder” (no identified owner)

1) All Officers

a) Shall advise the finder of property that the property may be released to him or her if he/she is not a Commission employee:

- (1) the property is not claimed within 90 days, **AND**
- (2) the finder lays claim within 90 days, **AND**
- (3) the property is not contraband or a weapon, **AND**
- (4) the finder has proper identification (See Section IV. E. 1. above).

b) Shall mark the Property Record form as “May be released/ Yes” and forward it to the Division’s Property Specialist with the property.

2) Property Specialist

Shall release the property to the finder after a 90-day waiting period and verifying the finder’s identification.

1. Evidence Held by the Court

When evidence is retained by the Court for future court proceedings, the following procedures shall be followed:

a. All Officers

**EVIDENCE PROCEDURES  
PG1200.0**

- 1) Shall sign the Division Property Record form indicating that they are releasing the evidence.
- 2) Shall have the Court Clerk sign and print his/her name/I.D. number on the Division Property Record form in the appropriate "Received by" space and indicate the reason for the change of custody in the "Purpose for change of custody" space.
- 3) Shall return the Division Property Record form to the Division's Property Specialist following the court proceeding.

b. Property Specialist

Shall inspect the Division Property Record form to ensure that the above procedures have been adhered to.

2. Seizure and Forfeiture of Handguns

a. Authority

The disposition of seized handguns in Maryland is regulated by Criminal Procedure Article 13-203 of the Maryland Code. The following procedures shall be used in the handling and disposition of handguns that come into the possession of this Division.

b. Disposition Procedures

- 1) When a handgun is confiscated pursuant to Criminal Law Article 4-203, or has otherwise come into the possession of this Division, the Assistant Chief, Support Operation shall review the facts and circumstances of the case or manner in which the handgun was acquired. After appropriate inquiries, the reviewing officer shall recommend one of the following possible dispositions:
  - a) Return of the weapon to the owner after review has indicated it is not needed as evidence and the owner did not use the weapon, or knowingly permit it to be used, in violation of Criminal Law Article 4-203.
  - b) Retention of the weapon for use as evidence in a criminal case or criminal investigation. Retention of the weapon as evidence indicates it was used in

**EVIDENCE PROCEDURES  
PG1200.0**

violation of Criminal Law Article 4-203. If the weapon is used as evidence, it may be disposed of by the court at the conclusion of the case.

- 2) The owner shall be notified in writing by the reviewing officer concerning the disposition of the handgun. This notification shall be served by certified mail, return receipt requested, utilizing MPP Form 203, "Handgun Disposition".
- 3) When it has been determined that a non-resident owner is entitled to the handgun, the reviewing officer shall notify a law enforcement agency within the jurisdiction where the owner resides and forward the handgun by United Parcel Service to that agency for disposition.

c. Appeals

- 1) When the reviewing officer has determined that the handgun should be forfeited, the owner shall be notified as previously provided for and may apply within thirty (30) days to the Division for a review to determine whether he/she knew or should have known that the handgun was worn, carried, transported, or used in violation of Criminal Law Article 4-203 and whether he/she is qualified to possess it.

Qualification for possession is the same as for sale or transfer under Public Safety Article 5-134. Knowingly giving false information or making a material misstatement in the application for review or any investigation pursuant thereto subjects the appellant to the penalties set forth in Public Safety Article 5-139 of the Maryland Code.

- 2) Upon timely receipt of an application, the reviewing officer shall hold an informal review, not subject to the Administrative Procedures Act, concerning whether the owner knew or should have known of the use or intended use of the handgun was in violation of Criminal Procedure Article 13-204. If the reviewing officer rules in favor of the owner, the handgun shall be released to the owner provided he/she is qualified to possess it and it is not needed as evidence in a criminal case or investigation. In the latter case, it shall be disposed of by the court at the conclusion of litigation.

**EVIDENCE PROCEDURES  
PG1200.0**

- a) The review shall be conducted at Park Police Headquarters 8100 Corporate Drive, Landover, Maryland 20785 and the review proceedings shall be tape recorded. Tapes shall be retained for one year from the date of the review or until all such cases related to the seizure are finally adjudicated. If it is the decision of the reviewing officer to release the handgun to the owner, standard Division procedures regarding the release of seized property shall be followed.
  - b) If the reviewing officer determines that the handgun should be forfeited, the owner shall be so notified at his last known address by certified mail, return receipt requested, and may, within thirty (30) days thereafter, petition the appropriate District Court to release the handgun. The reviewing officer shall be responsible to coordinate with the State's Attorney in presenting the State's position to the District Court at such a review. When an appeal is made to the District Court, a copy of the papers filed by the individual and a copy of the investigation shall be forwarded to the Commission's legal advisor. He/She shall review the matter and assist in coordinating this Division's position with the appropriate State's Attorney.
- 3) In criminal proceedings involving a seized handgun, a court may order forfeiture or release of the seized handgun in accordance with the criteria established for release in Criminal Procedure Article 13-205. Persons who have made written claim of ownership to a handgun to this Division or to the State's Attorney shall be notified of the judicial proceedings and of the claimant's right to present his/her claim at those proceedings, except that a claimant who has completed the review procedure provided by this Division shall not have the right to review before the court.
  - 4) If no timely application for a review by the Division or the District Court is effected, or an order for the release of the handgun by the Criminal Court is issued, it shall be forfeited to this Division without further proceedings and destroyed or disposed of pursuant to Criminal Procedure Article 13-205. Property so seized shall be retained for ninety (90) days by the Division before disposal.

**EVIDENCE PROCEDURES  
PG1200.0**

4. Request for Destruction Memorandum
  - a. Property Specialist/All Officers

Under the supervision of their immediate supervisor, all officers will review their Division Property record books every January and July. Property no longer needed for court and suitable for destruction will be signed/dated and marked TO BE DESTROYED by the officer.

- c. Operations Duty Officers/Shift Supervisors

Shall ensure that this section is strictly adhered to. Checks of the property books should be completed by the 5<sup>th</sup> of each month respectively and initialed by the officer and their immediate supervisor. Periodic checks will be made to ensure that all officers are in compliance with this stipulation.

**V. INVENTORY AND INSPECTIONS**

- A. Park Police Division Chief

1. Shall appoint an officer of either command or supervisory rank to conduct an annual inventory and audit of procedures of evidence held by this Division. The officer named to conduct this inspection shall, under no circumstances, have the evidence function under his/her control. The purpose of this inventory is to ensure the integrity of the evidence system and to require an accounting through random sampling of evidence and property.
2. Shall order an audit of property and evidence whenever the Property Specialist is assigned to and/or transferred from the position and is conducted jointly by the new Property Specialist and a designee of the Chief to ensure that records are correct and properly annotated. The purpose of the inventory is to ensure continuity of custody and to require the accounting of every single item of evidence and property. The inventory shall be sufficient to ensure the integrity of the system and the accountability of the property. The Property Specialist taking custody of the evidence and property should ensure that all records are current and properly documented. All discrepancies should be recorded prior to the assumption of evidence accountability by the newly appointed Property Specialist.
3. Shall order unannounced inspections of evidence/property storage areas to



## **EVIDENCE PROCEDURES**

### **PG1200.0**

be conducted at least annually. The officer conducting the inspections shall be either of command or supervisory rank. Evidence/property accountability and security procedures shall receive primary attention during these spot inspections. A random comparison of records with physical evidence should consume most of the time allotted to the conduct of spot inspections. The same operations and procedures performed in the evidence/property storage areas need not be examined each time a spot inspection is conducted; rather, a different variety of activities should receive attention during successive spot inspections. These inspections are in addition to and in support of other regularly scheduled inspections.

**B. Operations Duty Officers/Shift Supervisors**

Shall conduct periodic inspections to ensure that the aforementioned procedures are being followed.

**C. Manager, Support Operations**

Shall, at least semi-annually, conduct appropriate inspections to ensure Compliance with the procedures set forth in this directive.

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