



MIAMIBEACH

BUDGET AND PERFORMANCE IMPROVEMENT
Internal Audit Division

INTERNAL AUDIT REPORT

TO: Jorge M. Gonzalez, City Manager
VIA: Kathie G. Brooks, Budget and Performance Improvement Director 
FROM: James J. Sutter, Internal Auditor 

DATE: May 8, 2009

AUDIT: Property and Evidence Unit Inventory Audit

PERIOD: March 2, 2009 – March 31, 2009

This report is the result of an inventory audit requested by the Police Department Administration to comply with the Standard Operating Policy requirements covering the Property and Evidence Unit (PEU).

INTRODUCTION

The Police Department's Support Services Division currently under the direction of Major Brian Sliman includes the Personnel Resource Unit which is comprised of the Background Investigations Section and Training Section/Firearms Office; the Business Resource Unit which manages the Court Liaison Office and Payroll Section, Off-Duty Office and the Security Guard Contract Coordinator; and the Property and Evidence Unit or PEU. The focus of this audit is the PEU which among other duties receives, records, maintains, controls, and releases upon authorization five general categories of evidence and property: Arrest Evidence, Investigatory Evidence, Found Property, Decedent's Property, and Safekeeping Property.

Access to PEU is restricted to the assigned Major, Captain, Sergeant and unit employees. All visitors, regardless of affiliation, sworn or not sworn entering PEU shall sign the log and must be accompanied at all times.

A three-part property receipt form is prepared for each new case, with each item stored in the unit listed therein, in order to maintain accountability and control (chain of custody). The police officers submitting the evidence and the PEU personnel receiving the items both sign the property receipt form attesting to its accuracy. The white copy original stays with PEU, while the blue copy is maintained by the Police Department's Records Unit and the green copy is kept by the police officer.

The information on each property receipt form is entered into the Police Evidence and Property (PEP) computer system, and is updated as needed to record property location, chain of custody and final disposition. These property receipts are assigned sequential case numbers by the Public Safety Communications Unit upon receipt of a street call which serves as the basis for identification.

The PEP computer system which was implemented in 2006 is expected to be replaced during the 2008/09 fiscal year by a product from New World Systems Corporation per the City Commission's passage of Resolution No. 2008-26744. Among other provisions, this resolution provides for the installation and support of an integrated public safety dispatch and records system (which includes computer aided dispatch system, police records management system, fire records management system, and mobile computing solution including real time messaging and field based reporting) at a

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cost of \$2,124,088.

Section III of the Police Department's Standard Operating Procedures (S.O.P.) lists the following rooms located on the first floor of the Police Station Headquarters Building with their designated purposes as the primary storage facilities for items of evidence, property impounded by employees and other departmentally owned equipment and supplies:

- Room A: The main evidence storage room accessible to supervisors and the Property Evidence Technician I specifically assigned to evidence duties.
- Room B: The vault located inside room A, utilized for high liability items such as drugs, money and jewelry. The vault is always kept locked by the Property and Evidence Technician II assigned to room A.
- Room C: Used for Quartermaster supplies such as uniforms, belts, leathers, holsters, and many other miscellaneous equipment under the Quartermaster's purview.
- Room D: Additional uniforms and maintenance shop.
- Room E: Fleet and Quartermaster office as well as office supplies.
- Room F: Police Department owned firearms and other sensitive electronic equipment.
- Room G: Refrigerator, freezer, initial stage for incoming evidence, and PEU employee lockers.
- Room H: Miscellaneous daily supplies accessible 24 hours a day, 7 days a week such as specimen cups, latex gloves, shotguns, firearms, etc.

In addition, the S.O.P. also references the storage locations listed below for the designated purposes:

- Room I: Small fenced in area in police garage utilized for bicycles pending destruction or donation.
- Room J: Large fenced in area in police garage utilized for bicycles and large pieces of evidence.
- Room K: Container in police garage utilized to store items scheduled for purchasing or auction.
- Room L: Firearms and narcotics scheduled for destruction or burning.
- Room M: Fenced in area at the southwest side of police parking garage utilized for Police Fleet equipment and maintenance.
- Room N: Container in police garage utilized for supplies.
- Mailbox O: Mailbox used for securing drugs, money and jewelry.
- Room P: Container in police garage for emergency supplies.
- Room Q: Rooftop fenced in secure area for vehicles and boats.

PROPERTY AND EVIDENCE CATEGORIES

Overall, there were twenty-six separate categories in the PEP system with a total of 46218 items stored inside PEU as of Information Technology's 03/02/09 report, which served as the basis for all subsequent testing. Internal Audit focused on the six categories (currency, narcotics, firearms, jewelry, cameras and electronics) with the perceived highest risk exposure. A brief summary of each of the tested categories is contained below.

Currency

Currency items are stored in sealed evidence bags, which are heat sealed plastic bags labeled with the case number and item number. They also contain red evidence tape placed in such a manner

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as to make tampering apparent. Both the impounding police officer and the PEU employee will initial and date evidence tape and bag where they junction.

Currency items are always stored inside PEU's most secure location, Room B or the vault. As governed by various Florida State Statutes, unclaimed cash items, depending upon their nature, and the amount of time elapsed, are eventually transferred to the Finance Department for deposit into one of three accounts:

General Fund Miscellaneous Revenue Account (011-8000-369992), for found cash items
General Fund Trust Account (601-7000-229-093), for decedent's cash items
Police Special Revenue Account (195-8000-369993), for unclaimed cash evidence items

Narcotics

Narcotics and narcotics-related paraphernalia that have been impounded in connection with criminal cases (as well as narcotics found with no known owner) are also stored in sealed evidence bags in Room B; while larger narcotics-related paraphernalia such as lamps and scales are stored on shelves in Room A. Narcotics and paraphernalia that are no longer required for purposes of criminal prosecution and found narcotic items are pulled from PEU and packed into large cartons for eventual destruction. These cartons are stored in a locked room (Room L) in the rear of PEU, awaiting final clearance from the State Attorney's Office, as well as a court order, for burning.

Firearms

All firearms found upon a person arrested shall be delivered to PEU where they shall be retained until after the trial of the person arrested. Such firearms are stored on shelves and in boxes in the locked Room L with the aforementioned qualified narcotics.

If the person arrested is acquitted, the said firearm(s) taken, but not any ammunition, may be returned to the person. Firearms no longer required for purposes of criminal prosecution are removed from their storage locations and placed into boxes, in a locked storeroom, awaiting final clearance for melting. Any exceptions, for possible cannibalization or conversion to the City's official use, must be specifically authorized in writing by the Chief of Police.

Jewelry, Cameras and Electronics

Jewelry items are stored in sealed evidence bags and safeguarded in Room B. Meanwhile, cameras and electronic items are labeled and depending upon their size are stored inside paper bags on the outside shelves located in Room A. They are not secured in sealed evidence bags due primarily to their large size. Once they are no longer required for purposes of criminal prosecution and have been cleared through normal retention periods; the jewelry, cameras and electronics will be returned to their owners, retained for City use, sold by PropertyRoom.com (an E-Bay type independent company that utilizes the internet to sell approved items) or destroyed.

OVERALL OPINION

On the basis of test counts of inventories of currency, narcotics, firearms, jewelry, cameras and electronic items that were performed, inquiries of management and staff personnel, inspection of Property and Evidence Unit (PEU) documents and records, and observation of activities and operations, it is our opinion that the internal control structure of PEU relating to these items is for the most part sufficient and can generally be relied upon to provide reasonable assurance that unit objectives are being achieved. Of the 285 items test counted, all items were verified without any

material exceptions (case numbers 08-009944 and 07-024794 contained small variances of \$1.00 and \$.02 respectively). In addition, the petty cash balance was properly supported, expenditures complied with approved categories in the City's Administrative Procedures Section 3.6.00, and final disposition of property was in compliance with State Statutes. However, there were the following findings that, if not corrected, could impact the integrity of property maintenance and the effectiveness of the unit:

- The available storage areas continue to be overcrowded as items are stored on the floor, on top of cabinets, close to the ceiling, etc. The backlog in the assignment of permanent locations to property and evidence is also due to an increase in confiscated items and longer retention periods.
- The Police Department's Standard Operating Procedure is vague as to when narcotics burns should be held but the last one occurred on 10/04/07 thereby contributing to the lack of available storage space in the unit.
- Several shortcomings with the PropertyRoom.com, Inc. agreement and the City's subsequent monitoring of the vendor's performance are addressed.
- Some tested pre-1989 cases' property was not secured in a sealed evidence bag to better protect against misappropriation.
- The manner by which the property receipt forms' items section was completed and their corresponding placement into sealed evidence bags varied thereby hindering verification of the items completeness by independent third parties.
- Although all property was located and accounted for, three of the sixty-one sampled active property receipts or 4.92% could not be found by Internal Audit and PEU staff.

PURPOSE

The purpose of this audit was to determine whether cash, narcotics, firearms, jewelry, cameras and electronic items that were received and stored at the Property and Evidence Unit were properly authorized, accounted for, sufficiently documented, correctly recorded, adequately safeguarded, and whether final disposition of these properties was in compliance with State Statutes, City Resolutions and unit policies and procedures. An additional objective was to determine whether the petty cash account maintained by the unit is complete, properly utilized for only approved expenditures and adequately supported with documentation.

OBJECTIVES

1. Verify the location, existence and status of a sample of the cash, narcotics, firearms, jewelry, cameras and electronic items stored in the unit's vault and various storage areas as listed in the Police Evidence Property (PEP) system.
2. Assess the internal control structure to determine if it provides reasonable assurance that the subject items are safeguarded from unauthorized access and disposed of properly.
3. Evaluate compliance with unit policies and procedures.

SCHEDULE OF ITEMS/PROPERTY RECEIPTS TESTED BY CATEGORY

CATEGORY *	TOTAL # OF ITEMS	TOTAL # TESTED	PERCENTAGE TESTED	RESULTS
Currency	1,264 or \$862,060	103 or \$381,847	8.15% of items 44.29% of value	All items physically verified without any material exceptions.
Narcotics	18,983	98	.52% of items	
Jewelry	1,057	15	1.42% of items	
Cameras	156	6	3.85% of items	
Electronics	614	20	3.26% of items	
Firearms	483	40	8.28% of items	

* All tested items were randomly selected from the 03/02/09 report provided by the Information Technology Department. Testing of currency was expanded to include the three largest cash amounts. Quantities tested were similar to past internal audits.

FINDINGS, RECOMMENDATIONS AND MANAGEMENT RESPONSES

1. Finding: Overcrowded and Backlogged Storage Areas
 The Police Department's Property and Evidence Unit's or PEU's storage areas were found to be seriously overcrowded, with items awaiting storage lined up on the floor alongside the shelves throughout the main storage room. For example, the 03/02/09 narcotics PEP system report listed 388 items that did not yet have a permanent assigned location. Similarly, a narcotics item that returned from the Miami-Dade Police Department Crime Lab on 11/20/08 was still stored on the floor as it had not yet been permanently moved to the more secure Room B.

The number of currency, narcotics and firearms safeguarded in PEU has increased greatly during the past four audits completed as shown below:

Category *	03/09/01 Audit	01/08/04 Audit	06/02/06 Audit	03/02/09 Audit **	% Increase From 03/09/01
Currency	799	922	1,370	1,264	58.20%
Narcotics	9,499	14,056	15,780	18,983	99.84%
Firearms	393	399	521	483	22.90%

* The above table's figures were derived from PEP system reports run by I.T. personnel at dates immediately prior to inventory audits.

** A melt of firearms was completed just prior to Internal Audit's arrival thereby decreasing the amount held in inventory at the audit's start.

These double digit percentage increases in items accompanied with changes extending the retention period for confiscated evidence have intensified the need for additional secure storage space. To help combat this problem, items are also being stored higher on top of cabinets to take advantage of PEU's high ceilings. In fact, firearms stored in the L-Room, located on the rear loading dock, are currently placed above the sprinklers perched approximately two feet from the ceiling.

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Due to the lack of available storage space inside the most secure PEU vault, narcotics were found to be stored in a locked filing cabinet inside Rooms A and G. Although secure locations, they do not offer the same safeguards as when stored in the vault or Room B thereby making these items more susceptible to theft.

Recommendation(s):

Ways to reduce the backlog and obtain additional secure storage space should be investigated as soon as possible. The reduction in the backlog may require the reassignment of duties, the removal of other duties for the two property and evidence technicians working in the evidence room, etc. The following options should be considered after satisfying legal requirements as a means to create additional storage space:

- a. Depositing all currency into the City's bank account for safekeeping and to earn interest. PEU had a total of \$862,060 stored inside Room B or the vault as of 03/02/09.
- b. Moving, consolidating or eliminating the quartermaster storage area as items are currently stored in Rooms C and E. If this option is selected, then these areas would need to be protected with both an access card reader and an alarm.
- c. Using photographs of the evidence as discussed in Standard Operating Procedure Section XIX to substitute for the actual items whenever possible. This practice would be especially beneficial for larger items such as the electronic gambling machines currently stored with other items in the three large rented containers on the first floor of the Police Department Garage.
- d. Reorganizing the existing unit space and adding more portable shelving which has recently been priced by the PEU Captain

Management Response:

The storage issues continue to be a problem. PEU is addressing these issues by continuing to hold the officers more accountable through tracking and follow up on each property disposition. Additionally, the use of PropertyRoom.com has yielded positive results both from an increase in storage and the creation of an additional revenue generating enterprise.

- a. The depositing of evidence funds into interest bearing accounts would be another positive revenue generating practice which would be welcome, but continues to be limited by State Statutes which we are continuously monitoring for any changes that would benefit the City.
- b. PEU has requested quotes from vendors for increasing current storage areas and shelving. The relocation of the quartermaster office would also be beneficial to an increase in storage areas and has been quoted for build out.
- c. The use of photography is acceptable in certain cases and is determined by the investigator along with the States attorney Office.
- d. The reorganizing of the PEU and storage areas have been quoted and estimated for maximum use of space and shelving areas. The cost will be significant but should be approved to avoid some of the issues discussed in this document. Due to the recent economic climate we realize many of these issues may be delayed due to costs. We however felt that this is a critical issue and should be addressed accordingly.

2. Finding: Disposal of Narcotics and Firearms

PEU is responsible for the destruction of impounded narcotics and narcotics-related paraphernalia that are no longer required for purposes of criminal prosecution and satisfy the state's stringent requirements. These items are placed into sealed boxes and stored in Room L until burned. This separate storage room also houses impounded firearms and any active evidence that is too large to fit inside the vault or Room B.

Standard Operating Procedure (S.O.P.) Section XIV states "*At least once a year, the PEU Sergeant will schedule destruction/melting of firearms.*" In compliance with the S.O.P., a firearm melting was conducted on 02/23/09, shortly before Internal Audit's testing began.

Meanwhile, S.O.P. Section XXIV B(d) states "*The PEU Commander shall determine a sufficient quantity of items {narcotics, drugs and accessories} has accumulated and affix a copy of the inventory to a 'Request to Burn' order.*" Once approved by the Chief Judge of the Circuit Court, a narcotics burn can occur. Inquiries discovered that the last narcotics burn occurred on 10/24/07, with PEU presently preparing for another to be held soon. As a result, Room L is a crowded area with boxes stacked throughout making it difficult to move, locate and inspect the desired evidence.

Recommendation(s):

The Police Department should perform narcotics burns at least annually. Internal Audit realizes that these burns are time consuming and subject to such external factors outside of PEU's control as the availability of incinerators or the approval of State Attorney's Office but they would help free up additional storage space and reduce the City's risk exposure.

Management Response:

PEU is scheduled to inventory narcotics on a monthly basis. The State Attorney's office is petitioned for the list of narcotics PEU can schedule for destruction. The guidelines are updated and changed on a regular basis. Although this is a burdensome task, the State Attorney's office is attempting to streamline and ease some of the processes involved. PEU was unable to schedule a burn for 2008 but is attempting to schedule two burns for 2009

3. Finding: PropertyRoom.com, Inc - Agreement for auctioning PEU property

The Police Department requested guidance from Procurement Division on the approach to establish an alternative to the existent process of disposing surplus property by sale to the highest bidder pursuant to an auction. Meetings took place with the Police Department, Procurement Division, City Attorney's staff, and the City Manager's Office to discuss Police Department's request and needs for the disposal of police-confiscated items. Based on an estimated value of said pilot project not exceeding \$25,000 and discussions held at various meetings as stated above, Procurement Division issued a Request for Letters of Interest (RLFI) #003-06/07 on May 16, 2007. Three proposals were received by the May 30, 2007 deadline with the one submitted by PropertyRoom.com, Inc. chosen as the one to initiate the pilot program with. An agreement was ultimately reached to cover the term of March 14, 2008 through March 13, 2009.

This independent company picks up the designated items each month at PEU, posts them on their E-bay type website, solicits bids from customers during the specified time frame, mails the purchased item to the highest bidder, provides the City with a monthly detailed

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report of items sold and disposed of, and sends a check for any items sold net of any credit card fees and their 50% commission.

Internal Audit's review of PropertyRoom.com, Inc.'s signed agreement with the City and subsequent testing found the following shortcomings:

- a. Although the agreement expired on March 13, 2009, its terms continue to be enforced thereby have its value increase monthly closer to the \$25,000 limit.
- b. Reconciling the company's detailed monthly reports of sold and disposed items with those initially furnished to the vendor is not being performed to ensure that all items were accounted for.
- c. The agreement does not mention fuel surcharges or transportation costs but the January 2009 invoice reviewed lists a \$12.40 deduction. Furthermore, a 09/17/07 e-mail to the City's Procurement Division states *"There is no charge to the city for our monthly pick-ups. No fees, no hidden cost in the Service."*

Recommendation(s)

The implementation of the following recommendations should help resolve the aforementioned shortcomings:

- a. The Police Department and City Administration should determine the desired approach going forward as to dispose of impounded property and evidence. If satisfied with the results of the pilot program, then a Request for Proposal should be drafted and issued giving others the opportunity to bid and most likely resulting in more favorable terms to the City. In the short term, the agreement with PropertyRoom.com, Inc. should either be amended to extend the terms subject to the \$25,000 threshold or it should be terminated.
- b. The Division Major should designate someone to periodically reconcile on a sample basis the received detailed monthly reports with PEU's lists of provided inventory with any differences investigated immediately. Furthermore, documented periodic comparisons of items' pricing should be performed with listed sales prices to confirm that the City is being properly compensated.
- c. Fuel surcharges or transportation costs should not be deducted from future invoices sent to the City. In addition, the City should request a credit from the vendor for any previous amounts deducted on the next monthly invoice.

Management Response:

Police Department:

- a. PEU and Police Department management are extremely pleased with PropertyRoom.com. Discussion on increasing the items auctioned is a goal. Currently, only items that are set for disposal from police investigations are processed through this vendor. Items such as surplus City equipment, used, outdated equipment would be ideally auctioned through this vendor. As a point of interest, this vendor also auctions vehicles which would obviously increase the revenue the City receives during the auction process and eliminate security issues and logistical problems.
- b. Upon the implementation of PropertyRoom.com the disposal of these items was through this vendor. PEU reviews the process through a secured website attached to the public website to ensure items are being auctioned and disposed of properly.

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- The accounting and financial aspects of the process should be monitored by another City department that has the experience to ensure compliance.
- c. Contractual obligations with the vendor should go through the Procurement Division and an email has been sent to the Director of the Procurement Division to review the contract. We agree that any surcharges incurred should be adjusted accordingly. On May 1, 2009, the City received a refund in the amount of \$329.88 for these previous charges.

Procurement Division:

This agreement will be extended on a month to month basis. A formal Request for Proposal will be presented at the June Commission meeting. Procurement Division will notify the vendor that fuel service charge and transportation costs are not allowed under the current agreement and should be stopped going forward.

4. Finding: *Inventory Not Stored in Sealed Evidence Bags*

It was noted during testing that several of the older cases (primarily those prior to 1989) currency, narcotics and jewelry evidence were not always safeguarded in sealed evidence bags. Instead, the inventory for these cases was found secured inside Room B in paper bags that were stapled shut. Although time consuming and finding all sampled evidence properly accounted for, this practice increases the likelihood that misappropriations could occur.

Recommendation(s):

As time permits, PEU staff should research the older cases and secure any found items in sealed evidence bags to better protect them.

Management Response:

PEU is implementing a policy to update the packaging of items originally packaged in paper to re-pack them in plastic where possible. This will occur as time permits, not as a pro active approach due to time and manpower limitations.

5. Finding: *Property Receipt Form Standardization*

In examining property receipt forms, it was noted that there is little standardization regarding the description of submitted evidence as some police officers are more descriptive than others. Instances were noted whereby serial numbers and/or manufacturers' names were omitted; subjective vague terms like small, medium and large are used; quantities or amounts were placed in the description section; quantities were omitted; currency was not listed by denomination on the property receipts in accordance with S.O.P. Section VI M, etc.

Occasions were also noted whereby clarifying information was added to the property receipt form by PEU staff just prior to being placed into storage rather than at the time of submittal. In examining recorded property receipt forms, quantities were noted to be changed without containing the initials of the individuals making and witnessing/approving the change. Typically, when initials were present they were of only one individual.

In addition, the method by which narcotics are secured in the sealed evidence bags also varied. For example, confiscated pills were occasionally displayed outside of the container they were recovered in and other times they were sealed inside the container. When inside, the number of pills could not be verified directly without opening the evidence bag and possibly ruining the chain of custody so our focus shifted to confirm that the evidence bag

had not been violated and alternate means were tried to establish the pills existence.

Recommendation(s):

Recorded property receipt forms should be as descriptive as possible to avoid any potential future confusion and to facilitate reconciliation with test counts by third parties. The desired format with examples should be communicated in writing to all police officers so that the changes can be subsequently implemented. Similar uniformity should be pursued for the manner in which items are secured inside sealed evidence bags.

Also, the desired approach is to have two individuals initial the change on the property receipt form with an explanation given on a Narrative Continuation Report when any mistakes are detected on a completed property receipt form.

Management Response:

The property receipt is in the process of being updated and reviewed to better serve the needs of our agency. Stricter adherence to completing an NCR when property changes hands will be discussed with administration from the different divisions in the department. Training for PEU employees and civilian personnel will be initiated to address any issues occurring.

6. Finding: *Missing Property Receipt Forms*

PEU's property receipt forms, which record all movements of the items after their initial submittal necessary to maintain the chain of custody, are stored in an open unlocked bookcase in the middle of the unit. Here they are accessible to anyone inside PEU, either staff or authorized visitors, stored sequentially by case number inside color coded file folders depicting the year. Given the large number of cases annually, it is easily conceivable that the property receipt forms can be filed incorrectly making them very difficult to subsequently find. Internal Audit and PEU after extensive searching could not locate 3 out of the sampled 61 property receipts or 4.92%.

In addition, PEU is currently running out of space in the bookcase to store the active property receipts. This scenario will worsen in the future as the number of cases stored on the premises most likely continues to increase.

Recommendation(s):

In order to decrease the number of missing property receipts as well as making the process of locating them less onerous, it is recommended that greater care should be used to maintain these files. Relocating the files to another wall in the unit may be contemplated to reduce access. Also, a general housecleaning should occur at least annually whereby all the property receipts are reviewed to ensure that they are correctly stored. Finally, the feasibility of maintaining electronic copies rather than hard copies should be explored with the pending implementation of the New World software system.

Management Response:

As stated above, vendors provided estimates for increased shelving and movable cases for evidence storage. These same vendors provided estimates for different options created for file storage as well. This is an obvious problem and ideally will be addressed with the implementation of the "New World Systems" project. PEU has looked at a couple of different areas that would serve as file storage areas when the current area gets to capacity.

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EXIT CONFERENCE

An exit conference was held on April 14, 2009 in the Police Department's Support Services Conference Room. Participants included Police Division Major Brian Sliman, Captain Richard Gullage, Sergeant Bernie Ruder, Internal Auditor James Sutter and Senior Auditor Mark Coolidge. Audit findings and recommendations were discussed, as were management responses, which were received May 8, 2009 and are included herein. All were in agreement with the contents of this audit report.

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(Audit performed by Mark Coolidge)

cc: Carlos Noriega, Chief of Police
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Gus Lopez, Procurement Division Director