

DMPC Decision – PCD 1458

Title: Forensic Services Five-Year Equipment Refresh Programme – Investigative Unlocking Tools

Executive Summary:

This paper seeks approval for funding and approval to award a contract for Forensic Services (MO4) five-year Equipment Refresh Programme – Investigative Unlocking Tools.

The Equipment Refresh Programme covers equipment replacement to maintain and enhance Forensic Services operational capability, to continue to support wider operational policing, and to continue to meet regulatory and legislative requirements of maintaining a quality management system. The cost for Investigative Unlocking Tools is £8,551,000 with funding approved in the MOPAC five-year capital programme from 22/23 to 26/27. A further decision setting out a range of additional equipment refreshes will be brought forward shortly.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

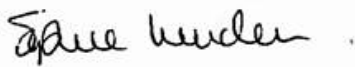
- a) Approve a contract for the Investigative Unlocking Tools to be awarded via a single tender action under PCR Exemption 32(2)(b)(iii) that permits a contracting authority to negotiate directly with a sole economic operator without prior publication of an Official journal of the European Union (OJEU), for reasons connected with the protection of exclusive rights, including intellectual property rights. The contract term will be for 5-years with a total anticipated value of £8,551,000.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature



Date

07/07/2023

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background.

- 1.1. Londoners rely on the Metropolitan Police Service (MPS) to uphold the law and support their local communities. As the largest supplier of forensic services, with the widest scope of services in the UK and Europe, MPS Forensic Services are pivotal to and underpin the work that the Met does in tackling crime and criminality, to make London safer.
- 1.2. To continue to meet the expectations of Londoners, partner agencies and regulatory bodies, Forensic Services have created a capital equipment refresh programme to maintain and continuously develop its capabilities and capacity.
- 1.3. Forensic Services equipment refresh programme covers all equipment used in providing physical and digital forensic services. The nature of the items submitted for analysis, particularly in digital forensics, changes rapidly and so the equipment needed to analyse forensic exhibits and obtain evidence also needs to keep pace with these changes.

2. Issues for consideration.

- 2.1. Investigative Unlocking Tools - advanced capabilities for unlocking of IOS and Android devices are currently provided by two industry leaders – Cellebrite and Grayshift. Both of these tools are essential to the MPS, and is a fundamental requirement for DF to maintain its ability to support operational policing and assist with the investigation of serious crime.

Tool Type 1

- 2.2. Cellebrite Premium continues to support our Three-Tier digital forensic operating model by the provision of 10 tools located in DF hubs as well as at Lambeth HQ. It is still one of the only commercial tools on the market able to access, decode and extract data from both IOS and Android devices. Going forward Cellebrite will also include analysis capabilities.

Tool Type 2

- 2.3. Grayshift, a US company, also supports our three-tier digital forensic operating model. Its tool, Graykey, is able to access, decode and extract data from IOS devices as well as an increasing ability for Android devices.
- 2.4. Dedicated capital fund for equipment refresh programme. Having dedicated capital funding for the equipment refresh programme will provide funding certainty and enable Forensic Services to plan ahead more effectively to ensure critical equipment is replaced on-time to maintain adequate accreditation and standards.

- 2.5. The Forensic Services equipment refresh programme will support the goals of the Commissioner's Turnaround Plan, to deliver More Trust, Less Crime and High Standards:
- 2.6. **More Trust-** Maintaining and improving the equipment used as part of forensic processes will ensure the MPS keeps pace with the changing nature of technology seized as evidence. This will enable the MPS to continually achieve the best outcomes in the pursuit of justice and ensure victims of crime are supported and receive a service they can have faith in.
- 2.7. **Less Crime** - As society becomes ever more digitally enabled, the threat from criminals is now expanding as rapidly as the technological advances themselves. There are few crimes without some form of digital evidence 'footprint', due to the reality that criminals themselves are using digital products in their daily lives, often to facilitate criminal behaviour. New technologies (such as storage capacity of devices) have also increased the length of time it takes to investigate physical crimes by increasing the volume of evidence to be examined. For digital investigations to progress and keep one step ahead of criminality, continuous investment is required in the MPS forensic technologies to:
- maintain operational resilience.
 - maintain licenses critical to service delivery.
 - enable casework development and innovation to overcome credible challenges with security.
 - overcome encryption and privacy issues by design of new and emerging technologies.
 - maintain and improve operational delivery through use of validated, functional equipment.
- 2.8. The provision of capital funding to support the equipment refresh programme is necessary for Forensic Services to maintain an ability to support operational policing and continue to assist with the investigation of serious crimes, including terrorism related offences, murder, kidnap and serious sexual offences, including violence against women and girls.
- 2.9. **High Standards** - Utilising the latest technology will help to ensure the efficiency of forensic processes, while having a formal planned programme of equipment refresh will ensure equipment disposals can be planned and carried out responsibly, reducing waste. As per the requirements of the Forensic Science Regulator and Legislation, Forensic Services have to work within a quality management system accredited by a third party. Without accreditation, Forensic Science results risk being inadmissible. One of the main elements of a quality management system is the fitness for purpose of MPS equipment, so having a planned programme for equipment refresh helps to maintain the MPS accreditation status.
- 2.10. In 2023 the Forensic Science Regulator Code of Practice became a statutory requirement and all providers of forensic science in the public and private sector have a greater obligation to maintain standards to a level necessary to achieve accreditation.

Having a formal plan for the replacement and improvement of the capital equipment used in the forensic process will help to ensure the MPS continues to meet these standards and provide robust, reliable forensic results.

2.11. The MPS assures that the investments in Forensic Services detailed in this paper will enable the MPS to respond to Casey Review findings by:

- Investing in equipment for forensic hubs to improve support to frontline policing.
- Enabling better public protection through ensuring the technology involved in forensic processes continues to be fit for purpose.
- Ensuring all staff across MPS Forensic Services feel valued and empowered by providing the appropriate tools and equipment to perform their roles.

3. Financial Comments.

3.1. The capital funds requested were approved in the capital budget in February 2023, with a total planned cost of £8,551,000 over five years from 22/23 to 26/27.

3.2. The table below sets out the anticipated five-year profile spend.

22/23	23/24	24/25	25/26	26/27	Total
£519k	£2,008k	£2,008k	£2,008k	£2,008k	£8,551k

3.3. Impact on revenue costs:

There will be no impact on current revenue costs as they relate to the replenishment of existing capital equipment for which revenue costs such as maintenance, servicing etc are already budgeted for.

3.4. Impact on Digital Policing costs:

The MPS state that Digital Data and Technology (DDaT) Board haven't assured the costs associated with the relatively small number of initiatives in this paper that they would be supporting but will be supplying and assuring any additional DDaT capital & revenue costs prior to commencement of those projects and seek appropriate governance approval and they have confirmed that they are confident that costs will be picked up in the capital plan and existing budgets.

3.5. Impact on Property Services

There will be an impact on property services costs because this project relates to expansion of Forensic Services to new hub sites. Some Change Requests already exist for

the expansion of new hub sites, but Forensic Services will continue to work with PSD to ensure all requirements are costed. A separate business case will be submitted should the project result in any additional Property-related costs above those budgeted for in this BJP.

The MPS have provided assurance that any additional costs will be limited due to the existing blueprint of digital hubs and learning from the close collaboration with estates colleagues and the nature of works to date which has been refurb / retro fit of existing MPS space rather than new build and that costs will be picked up in the capital plan and existing budgets.

4. Legal Comments.

- 4.1. The Mayor's Office for Policing and Crime (MOPAC) is a contracting authority as defined in the Public Contracts Regulations 2015 (the Regulations). All awards of, and modifications to, public contracts for goods and/or services valued above £213,477 shall be subject to compliance with the Regulations. This report confirms the value of the contract award exceeds this threshold.
- 4.2. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that Deputy Mayor for Policing and Crime has delegated authority to approve all contract awards valued at £500,000 or above.
- 4.3. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call-in procedure.
- 4.4. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above with the exception of Counter Terrorism Police that follows different approved governance route.
- 4.5. A contract for the Investigative Unlocking Tools to be awarded via a single tender action under PCR Exemption 32(2)(b)(iii) that permits a contracting authority to negotiate directly with a sole economic operator without prior publication of an Official Journal of the European Union (OJEU), for reasons connected with the protection of exclusive rights, including intellectual property rights. The contract term will be for 5-years with a total anticipated value of £8,551,000.

5. Commercial

- 5.1. The procurement of the capacity for investigative unlocking tools will be through a single tender action as the suppliers of the equipment are the only economic providers due to exclusive rights to software. The capability depends on licences to use the kit that is available – on premises and online.

6. GDPR and Data Privacy

- 6.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 6.2. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act (DPA) 2018. Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
- 6.3. Under Article 35 of the General Data Protection Regulation (GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
- 6.4. The MPS assure that The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

7. Equality Comments

- 7.1. There are no negative Equality or Diversity implications arising from this funding process negating the requirement to present any mitigation. Any approved suppliers will be evaluated for acceptable Equality and Diversity statements, as well as their ability to meet the MPS requirements under the Equality Act 2010 as suppliers to MOPAC. The evaluation exercise will consider their ability to act as a responsible employer and meet employment obligations deemed commensurate with wider GLA objectives.
- 7.2. In addition, it should be noted that the MPS support the Mayor's Responsible Procurement Policy including; Enhancing Social Value, Encouraging Inclusion, Diversity and Equality, embedding fair employment practices, enabling skills, training and employment opportunities, promoting ethical sourcing practices and improving environmental sustainability.

8. Background/supporting papers

- 8.1. MPS Report Forensic Services Five-Year Equipment Refresh Programme.

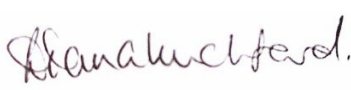
Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC MPS website following approval.

If immediate publication risks compromising the implementation of the decision, it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

<p>Part 1 Deferral:</p> <p>Is the publication of Part 1 of this approval to be deferred? NO</p> <p>If yes, for what reason:</p> <p>Until what date:</p>
<p>Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.</p> <p>Is there a Part 2 form –Yes</p>

ORIGINATING OFFICER DECLARATION		<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.		✓
Legal Advice: The MPS legal team has been consulted on the proposal.		✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.		✓
Commercial Issues The proposal is in keeping with the GLA Group Responsible Procurement Policy.		✓
GDPR/Data Privacy <ul style="list-style-type: none"> GDPR compliance issues are covered in the body of the report. A DPIA is required. 		✓
Drafting Officer Stephen Kalyango has drafted this report in accordance with MOPAC procedures.		✓
Director/Head of Service: The Chief Finance Officer and the Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.		✓

<p>Chief Executive Officer</p> <p>I have been consulted about the proposal and confirm that financial, legal and equalities advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.</p>	
<p>Signature</p> 	<p>Date 07/07/2023</p>

