

DMPC Decision – PCD 1484

Title: Forensic Services Five-Year Equipment Refresh Programme**Executive Summary:**

This paper seeks approval for funding and approval to initiate procurement and the award of tender processes for Forensic Services (MO4) five-year Equipment Refresh Programme.

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, at a total capital expenditure cost of £18,562,000 approved in the MOPAC five-year capital programme from 22/23 to 26/27.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

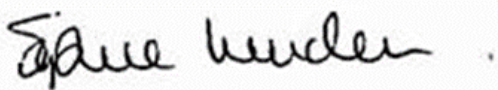
1. Approve capital expenditure funding requirement for Forensic Services five-year Equipment Refresh Programme a total of £18,562,000 approved in the MOPAC five-year capital programme from 2022/23 to 26/27.
2. Grant approval to initiate procurement processes and delegate authority for subsequent contract awards for the following capital requirements, due for replacement within this five-year equipment refresh programme:
 - a) A contract for the Physical Storage of Digital Data and Associated IT Infrastructure to be awarded via the MPS's Value Added Reseller (VAR) contract. The contract term will be for 5-years with a total anticipated value of £5,412,000.
 - b) A contract for the purchase of Digital Forensic Kiosks to be awarded via the MPS's Value Added Reseller (VAR) contract. The contract term will be for 5-years with a total anticipated value of £3,800,000.
 - c) A contract for Remote Search and Review to be awarded via the MPS's Value Added Reseller (VAR) contract. The length of contract variation will be for 5-years with a total anticipated value of £1,265,000.
 - d) A contract for Artificial Intelligence and Retrospective Facial Comparison to be awarded via the MPS's Value Added Reseller (VAR) contract. The contract term will be for 5-years with a total anticipated value of £1,000,000.
 - e) A contract for Bespoke Network Isolation Rooms to be awarded via a full tender process advertised via the Find-A-Tender system. The contract term will be for 5-years with a total anticipated value of £1,800,000.
 - f) Approval to replenish/replace computers as required via existing MPS IT hardware contracts. The anticipated capital spend across 5-years is £1,725,000.

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

A handwritten signature in black ink, appearing to read 'Eileen Winder', is written over a light grey rectangular background.

Date

31/07/2023

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. 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.
- 2.2. 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:
- 2.3. **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.
- 2.4. **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.

2.5. 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.

2.6. **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.

2.7. 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.

2.8. The MPS assures that the investments in Forensic Services detailed in this paper will enable the MPS to respond 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.

2.9. Details of each of the planned equipment refresh are in the appendix.

3. Financial Comments.

3.1. The capital funds requested were approved in the capital budget in February 2023, with a total planned cost of £18,562,000 over five years from 22/23 to 26/27. Forensic Services (MO4) and MPS Finance will keep an eye on and manage the projected capital expenditure profile over the next five years.

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

22/23	23/24	24/25	25/26	26/27	Total
<u>£1,260,000</u>	<u>£8,581,000</u>	<u>£1,156,000</u>	<u>£613,000</u>	<u>£6,952,000</u>	<u>£18,562,000</u>

3.3. Impact on revenue costs:

Projects 1,3,10,11 and 13:

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.

Projects 4,5,6,8,9,12 and 14:

There will be no impact on revenue costs. IT hardware purchased as part of these projects will be used as part of the forensic process and therefore not linked to the MPS's corporate network. Ongoing support will be covered by Forensic Services existing IT support contract with XMA Ltd and associated costs covered by the existing budget for this contract.

Project 2:

No impact on revenue costs. The contract with Softcat for the servicing and maintenance of kiosks includes a mechanism for price increases based on increasing volumes. Any increase in kiosk volumes because of project 2, and subsequent increases in revenue costs, are budgeted for within the existing servicing and maintenance contract.

Project 7:

Ongoing servicing and calibration costs associated with Faraday Rooms and Equipment are anticipated to be £20,000 per year to be funded from existing Forensic Services budgets.

3.4. Impact on Digital Policing costs:

The MPS state 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 funding will come from the capital expenditure plan and existing budgets.

3.5. Impact on Property Services costs:

For projects 1 (Physical Storage of Digital Data, 7 (network isolation) and 12 (Operational Vehicle for Forensic Imagery), Forensic Services will work with the MPS Property Services Directorate (PSD) to establish final additional costs to ensure appropriate power supply and IT infrastructure are in place and work with Fleet services to acquire appropriate vehicles. For projects which relate to expansion of Forensic Services to new hub sites (Projects 2 - Kiosks), 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.

Separate business cases will be submitted should these projects result in any additional Property-related costs above those budgeted for in this Business Justification Paper (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 funded from 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, and paragraph 4.8); and
- 4.3. All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).
- 4.4. 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.
- 4.5. 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.
- 4.6. Regarding the remaining contracts, the MPS assure that a new competitive compliant procurement processes will be implemented and approved or a valid exemption will be relied upon. This will be compliant if the procurement rules are followed.

- 4.7. The MPS assure that enhancing trust in the system, processes and data sets will all be core considerations prior to implementation ensuring, visibility, transparency, and adherence to agreed standards. Qualified staff operating in a robust quality management system with skills as defined by the Forensic regulator will be employed. Staff will follow a defined method that mitigates bias demonstrating repeatable and reproducible results.

5. Commercial Issues.

- 5.1. The MOPAC five-year capital programme approved a total capital expenditure cost of £27,113,000 to cover 15 capital projects that are a part of the Forensic services five-year equipment refresh programme, of which a single tender award contract for Investigative unlocking tools was approved separately, a total, of £8,551,000 (PCD 1458). This decision is seeking approval for the remaining 14 Forensic Services capital investments totalling £18,562,000. The 6 projects listed above a total of £15,002,000 are those whose total value exceeds the MOPAC threshold for approval to initiate a procurement process. The remaining 8 projects, totalling £3,560,000, are various low-value requirements that fall entirely below the MOPAC threshold but are included in the remainder of the BJP to give a complete picture of the capital plan
- 5.2. The Commercial strategy is to utilise the most appropriate route to market for each of the requirements at the time. Commercial will consider the Value Added Reseller (VAR) framework set up by the Forensic Capability Network (FCN), any available Direct Purchasing system (DPS) Frameworks and Full Tender where contracting routes provide best value and optimum terms.
- 5.3. There is an element of taking a flexible approach with the strategy, so in the event new routes to market become available i.e. through the Forensic Capability Network or Blue Light Commercial, during the period of the programme, Commercial Services will assess them at the time and where sensible to do so, will look to optimise them. In accordance with the Scheme of Delegation, the MPS will seek further approval from MOPAC in the event of significant Commercial strategy changes.
- 5.4. Commercial Services collaborate with the MPS Environmental team for each procurement to assess suitability from a practical and security perspective for re-use or properly disposing. Where possible the MPS will seek cost neutral options. In accordance with PPN 06/20, social value criteria, including impact on carbon footprint (PPN 06/21), will also form part of the evaluation for all contracts tendered in accordance with the Procurement Regulations.

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 prior to implementation, Artificial Intelligence Facial Comparison will go through the MPS DPIA and Equality Impact Assessment (EIA) governance for consideration of privacy and ethical use. Due to short timescales, the MPS that it was not possible to research the considerations in depth. However, it is important to note that facial recognition algorithms containing databases of custody images are already in use nationally.

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 26/07/2023</p>

