

DMPC Decision – PCD 779**Title: Digital Forensics Managed Services****Executive Summary:**

This Business Justification concerns the contract for Digital Forensics Managed Services (DFMS) SS315104 (PCD115). The DFMS contract (due to expire in April 2024) includes the provision of front line solutions (digital kiosks – ‘new kiosks’), lab based forensic services (for complex forensic methods and analysis) and complex services (research & development and casework).

The supply of lab based services and complex services has been in place since contract commencement and has been operating to a generally acceptable level although with limitations in regards to more technically complex forensic cases and some capacity shortfalls which have largely been created by marketplace dynamics.

The provision of the new kiosks was due to be in place by December 2017 and, for the reasons set out in this report, is outstanding. Further work has now been identified and estimated in order to have a new kiosk solution in place for Policing. The delays to the implementation of the new kiosks have been mitigated by the MPS extending its pre-existing licensing provisions for digital kiosks (‘existing kiosks’) (which were in place prior to the DFMS contract commencing). The extension of this licensing has enabled continuity of service and ensured that capacity and capability has been unaffected by delays and that victims of crime have not been negatively impacted by these delays.

The MPS is reporting on the technical and regulatory issues within the proposed solution for the new kiosks and the cost of carrying out the proposed changes, the potential risks in relation to the performance and future cost of the kiosks as well as alternative options.

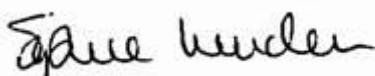
Recommendation:

The Deputy Mayor for Policing and Crime is recommended to approve the recommendations set out in the restricted section of the report.

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****06/07/20**

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

1. Introduction and background

- 1.1. The Digital Forensics Managed Services (DFMS) contract was originally let and awarded on behalf of the MPS and is accessible by other forces. Due to the issues experienced with the implementation of the kiosk solution the contract has not been heavily promoted and no other Force is using the contract for forensic services.
- 1.2. The volume and complexity of digital technologies has been forecast to increase rapidly with projected tangible growth (approx. 11% p.a. to 26%) in the number of submissions of mobile devices (tablets and phones) and an exponential growth in the amount of data to be processed. Over the last two to three years the MPS has seen a 10% increase in demand each year. The use of technology will become increasingly sophisticated such that the devices are not used in a stand-alone manner but are linked to the internet of things using machine to machine communications. Social media will play an increasingly dominant role in communications, gradually replacing fixed and even mobile voice communications. Policing has a need to maintain and develop its capability in these areas to identify and detect crime.
- 1.3. The DFMS contract looked to introduce 96 digital kiosks (commencing in December 2017) for police officers to use to initially download data from mobile phones, and through the course of the contract use the kiosks to download from computers and CCTV. The contract was set up for a seven year term so that innovation identified at the lab level could be brought in to the kiosk technology, ensuring that policing was accessing more affordable and better technology to recover evidence from digital devices. The long-term nature of the contract ensured that future developments could be directly led by the challenges and solutions developed at Lab level. Within this period the marketplace has moved far quicker than originally anticipated and there are now emerging options in the marketplace meeting the MPS' aspirations for innovation.
- 1.4. The provision of the Mass Consultants Ltd ('Mass') kiosks has been delayed due to a number of factors including some areas where there are MPS dependencies surrounding delays to infrastructure and the removal of a dependency on a forensic case management system. However, predominantly the issues faced regarding the implementation of the kiosks surround the ability to provide a workflow system with the kiosk. The workflow enables a non-specialist user (with minimal training) to carry out the same tasks to download data in a consistent manner and is therefore integral to the forensically sound recovery of digital evidence. Whilst the workflow was included within the contract it was envisaged that minimal changes to a COTS solution would be needed to adapt that workflow. After significant work between the MPS and Mass during 2017 and 2018 it was identified that the proposed workflow would not be sufficiently robust to ensure user consistency, efficiency and importantly, validation under forensic regulation. During 2018 the MPS developed detailed requirements for a workflow system and during the later parts of 2018 the parties worked and agreed an alternative solution (the Kiosk Companion Application - 'KCA') and a variation (on a 50/50 split was agreed in Dec 18) to put the work in place. Work to create and test the KCA was carried out during the first half of 2019.
- 1.5. At the conclusion of testing of the KCA a number of defects, changes and unsentenced issues were identified and worked on by the parties culminating in a list of required changes in Autumn 2019. This identified 6 issues where the Parties disagreed as to the

ownership of the cost and liability of the amendments. Within the MPS there were 10 major or critical changes required to the KCA requested by the MPS plus the additional 6 unsentenced observations also being identified as critical or major to the workflow functionality.

- 1.6. In January 2020 Mass provided a Rough Order of Magitude (ROM) cost for the unsentenced observations for the value set out in the restricted section of the report. Whilst the 10 MPS requested changes are still subject to analysis of the impacts and costs it's likely that these will be in roughly the same order of magnitude.
- 1.7. The potential solutions for the unsentenced observations included three caveats relating to the availability of resources, the technical impacts and constraints that the changes will bring and the potential appetite of the software provider to deliver the required changes. Each of these caveats places significant risks on the viability of the proposals.
- 1.8. The MPS has maintained its capability for downloading and analyzing data from phones by extending the licensing provisions for the digital kiosks which were in place prior to the commencement of the Mass contract. New releases of the existing kiosks' software has meant that the MPS capability has been maintained and improved during the period of delay and that there have been no negative impacts for the victims of crime.

2. Issues for consideration

- 2.1. This information is contained in the restricted section of the report.

3. Financial Comments

- 3.1. The original contract costs were £21.8M to the MPS with a contract value of up to £200M for other forces. The contract is currently within its fourth year (commencing April 2017) and is tracking against expected contract value.
- 3.2. The MPS has only paid one milestone payment for the first milestone (for contract start-up). An additional milestone for activities to readiness for deployment of the kiosk is not fully invoiced and not currently due. The milestone payment is due once the parties agree that the kiosk solution can 'go live'.
- 3.3. Under either scenario set out under the recommendations (within restricted section of the report) additional kiosk licensing or hardware would be needed for 2020/21 and with additional central hub licenses ongoing per annum.
- 3.4. The average annual spend under the DFMS contract is approx. £1m per annum for the provision of specialist services and management of the contract and £1m for outsourced services per annum. Under the Recommendation set out in the restricted section of the report. The cost of the continued services from year 1 onward is in line with the existing budget for digital forensic services (£2.184m).
- 3.5. In year 0 (2020/21) the expected additional costs to revenue budgets will be an added pressure. This will be funded from within Forensics budgets.
- 3.6. In addition there is currently a £200k budget in the capital plan for 2020/21, for updating the existing Kiosk hardware. The budget shortfall value (£46k) is included within the overall revenue costs and will be converted to capital and be added to the capital plan.

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 and modifications to public contracts for goods and/or services valued at £189,330 or above shall be performed in accordance with the Regulations.
- 4.2. The recommendations set out in the restricted section of the report are in accordance with the Mayor's Office for Policing and Crimes' Scheme of Delegation.

5. Commercial Issues

- 5.1. Due to the current delays for roll out of a kiosk solution under the contract with Mass, the MPS will need to extend existing licences in use within the MPS which are otherwise due to expire by September 2020. As these current systems now have end-of-life hardware, it will be necessary to replace the current hardware (as well as software). These costs are included in the economic case within the restricted section of the report. The replacement hardware and software will be procured through existing available ICT Frameworks or via Single Tender Action in accordance with the Public Contracts Regulations (PCR) 2015. The preferred route to market will be via call off from an ICT framework.
- 5.2. The recommendations set out within the restricted section of the report are in accordance with the terms of the contract with Mass and the Public Contract Regulations 2015.

6. GDPR and Data Privacy

- 6.1. 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.
- 6.2. 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.
- 6.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
- 6.4. GDPR standard clauses are included within all contracts. A DPIA assessment will be carried out for any changes to existing or new projects or contracts and privacy by design principles will be considered and incorporated. Where required a DPIA and a Data Processing Contract will be put in place prior to any processing activities being undertaken.

7. Equality Comments

- 7.1. The recommendations set out within the restricted section of the report are in accordance with the MPS' equality policies and ethics as well as the provisions of the Equality Act 2010.

8. Background/supporting papers

- 8.1. Report.

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 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.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

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.

Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

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

- GDPR compliance issues are covered in the body of the report.
- A DPIA is not required in respect of this decision.

✓

Director/Head of Service:

The Interim Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has 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.

Signature

Date 17/06/2020



DIGITAL FORENSICS MANAGED SERVICES

MOPAC Investment Advisory & Monitoring meeting 5th June 2020**Report by Emma Rice on behalf of the Chief of Corporate Services****Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC***EXECUTIVE SUMMARY*

This Business Justification concerns the contract for Digital Forensics Managed Services (DFMS) SS315104 (PCD115). The DFMS contract (due to expire in April 2024) includes the provision of front line solutions (digital kiosks - 'new kiosks'), lab based forensic services (for complex forensic methods and analysis) and complex services (research & development and casework).

The supply of lab based services and complex services has been in place since contract commencement and has been operating to a generally acceptable level although with limitations in regards to more technically complex forensic cases and some capacity shortfalls which have largely be created by marketplace dynamics.

The provision of the new kiosks was due to be in place by December 2017 and, for the reasons set out in this report, is outstanding. Further work has now been identified and estimated in order to have a new kiosk solution in place for Policing. The delays to the implementation of the new kiosks have been mitigated by the MPS extending its pre-existing licensing provisions for digital kiosks ('existing kiosks') (which were in place prior to the DFMS contract commencing). The extension of this licensing has enabled continuity of service and ensured that capacity and capability has been unaffected by delays and that victims of crime have not been negatively impacted by these delays.

The MPS is reporting on the technical and regulatory issues within the proposed solution for the new kiosks and the cost of carrying out the proposed changes, the potential risks in relation to the performance and future cost of the kiosks as well as alternative options.

Recommendations

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to approve the recommendations set out in the restricted section of the report.

Time sensitivity

A decision is required from the Deputy Mayor by April 2020 in order to avoid delays in putting in place the changes set out within the recommendations.

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime**Introduction and background**

1. The DFMS contract was originally let and awarded on behalf of the MPS and is accessible

by other forces. Due to the issues experienced with the implementation of the kiosk solution the contract has not been heavily promoted and no other Force is using the contract for forensic services.

2. The volume and complexity of digital technologies has been forecast to increase rapidly with projected tangible growth (approx. 11% p.a. to 26%)¹ in the number of submissions of mobile devices (tablets and phones) and an exponential growth in the amount of data to be processed. Over the last two to three years the MPS has seen a 10% increase on demand each year. The use of technology will become increasingly sophisticated such that the devices are not used in a stand-alone manner but are linked to the internet of things using machine to machine communications. Social media will play an increasingly dominant role in communications, gradually replacing fixed and even mobile voice communications. Policing has a need to maintain and develop its capability in these areas to identify and detect crime.
3. The DFMS contract looked to introduce 96 digital kiosks (commencing in December 2017) for police officers to use to initially download data from mobile phones, and through the course of the contract use the kiosks to download from computers and CCTV. The contract was set up for a seven year term so that innovation identified at the lab level could be brought in to the kiosk technology, ensuring that policing was accessing more affordable and better technology to recover evidence from digital devices. The long-term nature of the contract ensured that future developments could be directly led by the challenges and solutions developed at Lab level. Within this period the marketplace has moved far quicker than originally anticipated and there are now emerging options in the marketplace meeting the MPS' aspirations for innovation.
4. The provision of the Mass Consultants Ltd ('Mass') kiosks has been delayed due to a number of factors including some areas where there are MPS dependencies surrounding delays to infrastructure and the removal of a dependency on a forensic case management system. However, predominantly the issues faced regarding the implementation of the kiosks surround the ability to provide a workflow system with the kiosk. The workflow enables a non-specialist user (with minimal training) to carry out the same tasks to download data in a consistent manner and is therefore integral to the forensically sound recovery of digital evidence. Whilst the workflow was included within the contract it was envisaged that minimal changes to a COTS solution would be needed to adapt that workflow. After significant work between the MPS and Mass during 2017 and 2018 it was identified that the proposed workflow would not be sufficiently robust to ensure user consistency, efficiency and importantly, validation under forensic regulation. During 2018 the MPS developed detailed requirements for a workflow system and during the later parts of 2018 the parties worked and agreed an alternative solution (the Kiosk Companion Application - 'KCA') and a variation (on a 50/50 split was agreed in Dec 18) to put the work in place. Work to create and test the KCA was carried out during the first half of 2019.
5. At the conclusion of testing of the KCA a number of defects, changes and unsentenced issues were identified and worked on by the parties culminating in a list of required changes in Autumn 2019. This identified 6 issues where the Parties disagreed as to the ownership of the cost and liability of the amendments. Within the MPS there were 10 major or critical changes required to the KCA requested by the MPS plus the additional 6 unsentenced observations also being identified as critical or major to the workflow functionality.

¹ Source: Deloitte Report 2016

6. In January 2020 Mass provided a ROM cost for the unsentenced observations for the value set out in the restricted section of the report. Whilst the 10 MPS requested changes are still subject to analysis of the impacts and costs it's likely that these will be in roughly the same order of magnitude.
7. The potential solutions for the unsentenced observations included three caveats relating to the availability of resources, the technical impacts and constraints that the changes will bring and the potential appetite of the software provider to deliver the required changes. Each of these caveats places significant risks on the viability of the proposals.
8. The MPS has maintained its capability for downloading and analyzing data from phones by extending the licensing provisions for the digital kiosks which were in place prior to the commencement of the Mass contract. New releases of the existing kiosks' software has meant that the MPS capability has been maintained and improved during the period of delay and that there have been no negative impacts for the victims of crime.

Issues for consideration

9. This information is contained in the restricted section of the report.

Contributes to the MOPAC Police & Crime Plan 2017-2021²

10. Digital Forensics provided via outsourced services and through digital kiosks enables;
 - a. Better Police Service for London with greater access to tools which will help policing in detecting crime
 - b. to provide better and faster outcomes for victims of crime helping to keep children and young people safe and helping to tackle violence against women and girls
 - c. Helping to detect crimes which involve hatred or violence.

Financial, Commercial and Procurement Comments

Economic

11. The original contract costs were £21.8M to the MPS with a contract value of up to £200M for other forces. The contract is currently within its fourth year (commencing April 2017) and is tracking against expected contract value.
12. The MPS has only paid one milestone payment for the first milestone (for contract start-up). An additional milestone for activities to readiness for deployment of the kiosk is not fully invoiced and not currently due. The milestone payment is due once the parties agree that the kiosk solution can 'go live'.
13. Under either scenario set out under the recommendations (within restricted section of the report) additional kiosk licensing or hardware would be needed for 2020/21 and with additional central hub licenses ongoing per annum.
14. The average annual spend under the DFMS contract is £1m per annum for the provision of specialist services and management of the contract and £1m for outsourced services per annum.

Financial

15. Under the Recommendation set out in the restricted section of the report. The cost of the continued services from year 1 onward is in line with the existing budget for digital forensic services (£2.184m).
16. In year 0 (2020/21) the expected additional costs to revenue budgets will be an added pressure. This will be funded from within Forensics budgets.

² [Police and crime plan: a safer city for all Londoners | London City Hall](#)

17. In addition there is currently a £200k budget in the capital plan for 2020/21, updating the existing Kiosk hardware. The budget shortfall value (£46k) is included within the overall revenue costs and will be converted to capital and be added to the capital plan.

Commercial

18. Due to the current delays for roll out of a kiosk solution under the contract with Mass, the MPS will need to extend existing licences in use within the MPS which are otherwise due to expire by September 2020. As these current systems now have end-of-life hardware, it will be necessary to replace the current hardware (as well as software). These costs are included in the economic case within the restricted section of the report. The replacement hardware and software will be procured through existing available ICT Frameworks or via Single Tender Action in accordance with the PCR 2015. The preferred route to market will be via call off from an ICT framework.
19. The recommendations set out within the restricted section of the report are in accordance with the terms of the contract with Mass and the Public Contract Regulations 2015.

Legal Comments

20. 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 and modifications to public contracts for goods and/or services valued at £189,330 or above shall be performed in accordance with the Regulations.
21. The recommendations set out in the restricted section of the report are in accordance with the Mayor's Office for Policing and Crimes' Scheme of Delegation.

Equality Comments

22. The recommendations set out within the restricted section of the report are in accordance with the MPS' equality policies and ethics as well as the provisions of the Equality Act 2010.

Privacy Comments

23. 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.

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.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.

GDPR standard clauses are included within all contracts. A DPIA assessment will be carried out for any changes to existing or new projects or contracts and privacy by design principles will be considered and incorporated. Where required a DPIA and a Data Processing Contract will be put in place prior to any processing activities being undertaken.

Real Estate Implications

24. There are no real estate implications from the recommendations of this report.

Environmental Implications

25. All contracts include obligations on providers to limit the negative impacts upon the

environment and to seek ways to reduce impacts in the goods and services they provide. The MPS will continue work in this area for digital forensics to seek new opportunities to reduce the negative impact upon the environment in the provision of these services. The recommendations set out in this paper does not represent an increased environmental impact in the way that the services are provided.

Background/supporting papers

26. PCD 115

Report author: Emma Rice, Head of Category for Operational Policing, Commercial Services, 020 7161 0476

Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:
OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of Digital Forensic Managed Services paper is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).
- The relevant sections under the FOIA that would exempt this information from disclosure, for example:
 - Commercial Interest Section 43
 - Legal Professional Privilege Section 42

The paper will be exempt until April 2024