

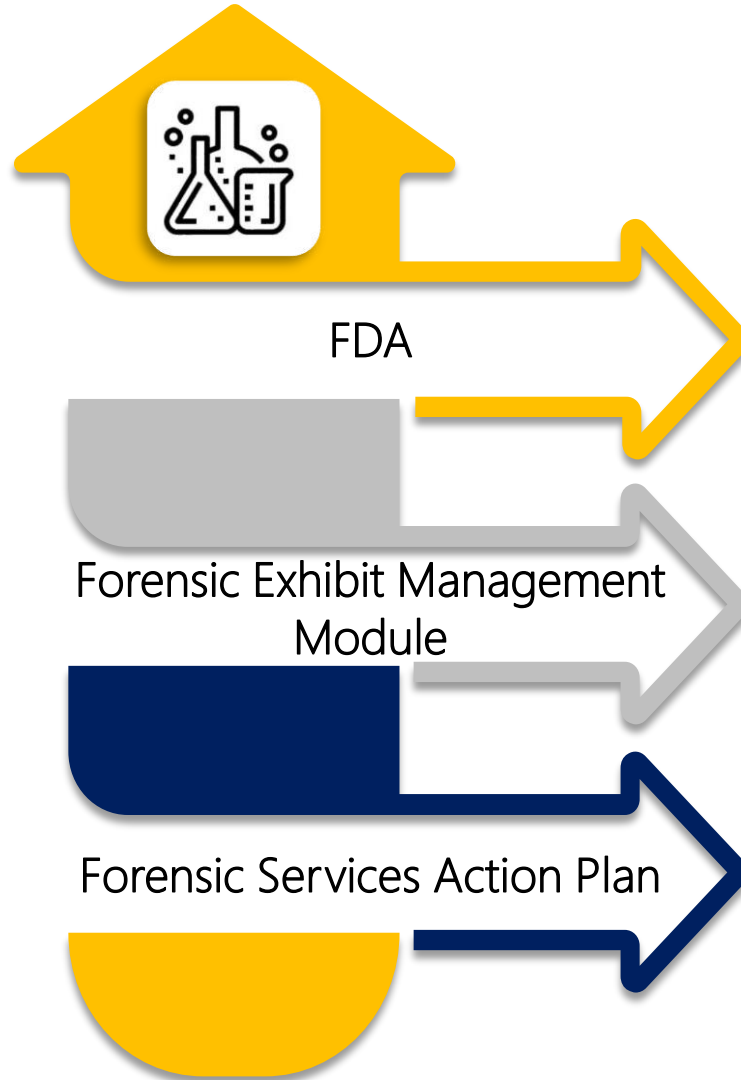


FORENSIC SERVICES

SOUTH AFRICAN POLICE SERVICE

Portfolio Committee of Police
17 March 2021

PRESENTATION APPROACH



Forensic Data Analysts

- Overview of the FDA-related processes.

Track & Trace Functionality

- Development and implementation of a system alternative.

Forensic Services Action Plan

- Actions implemented by Forensic Services to address the DNA backlog.



FORENSIC DATA ANALYSTS (FDA)

BACKGROUND

- FDA provided different services to the SAPS, through various contracts awarded to it, among others proprietary licensed software and ancillary support services to the following systems:
 - PCEM (Property Control and Exhibit Management System - 2010)
 - FPS (Firearm Permit System - 2006)
 - VA-AMIS (Visual Analysis Anacapa Matrix Intelligence System – 2007).
- IPID, during October 2017, recommended that no further payments made to FDA until investigation under Sinoville CAS 146/05/2017 (corruption, fraud and money laundering) is completed.

STANDING COMMITTEE ON PUBLIC ACCOUNTS

- During the SAPS' appearance before SCOPA ,on 29 November 2017, the following recommendations/directives were made:
 - All contracts concluded with FDA and/or companies where Mr Keith Keating is a director **MUST** be cancelled, after allegations were made of possible procurement irregularities and/or fraud or corruption.
 - No payment to FDA must be made.
- SAPS suspended all payments to FDA.

The Standing Committee on Public Accounts (SCOPA), demanded that the National Police Commissioner resolve the situation concerning the continuation of multimillion rand contracts with Forensic Data Analysts (FDA). The Committee had previously urged the cancellation of FDA's contracts with the police and the State Information Technology Agency (SITA). The FDA was owned by a former policeman-turned-businessman, and the Committee was told that he had the power to shut down the criminal justice system of South Africa should he not get paid.

DEACTIVATION OF SYSTEMS

- On **4 April 2018**, FDA suspended the use and access to proprietary licensed software and ancillary support services to PCEM, FPS and VA-AMIS, due to non-payment by the SAPS and/or SITA, for services rendered.
- Due to the deactivation, an urgent application to restore access, was brought by SITA and the SAPS – This was later withdrawn due to the access gained by SITA on **09 April 2018**.
- FDA then brought a counter application for payment of services rendered and interdicted the SAPS from using FPS and PCEM.
- **Judgement of 30 January 2019**: The Court found in favour of FDA on the counter application on FPS [i.e. granted the interdict and that the intellectual property (IP) rights vests in FDA]. If SAPS & SITA wanted to buy FPS, negotiations had to take place

ENGAGEMENTS WITH STAKEHOLDERS

- Various engagements ensued on possible procurement of the intellectual property in the systems.
- The SAPS decided to continue with payment for services rendered (licence fees were paid monthly on PCEM & FPS) and negotiations continued with FDA and SITA on possible procurement of the intellectual property in the systems.
- SCOPA and the PCoP were informed accordingly as per correspondence dated **23 September 2019**.
- Various discussions were held between the SAPS, SITA, National Treasury and FDA with regard to the purchase price of the intellectual property. This to enable the SAPS to obtain ownership of the systems and its source codes. Assessments on the fair value of the systems were also conducted by the parties.

ENGAGEMENTS WITH STAKEHOLDERS

- National Treasury submitted the final report on the value of the intellectual property in three systems to the National Commissioner, on **26 May 2020**.
- The report was studied and the following issues raised with National Treasury:
 - National Treasury must advise whether the assessment conducted by Mr D MacRobert can be accepted as the true fair value of the three systems and that the IP ownership of FDA/ISS be confirmed reflecting all relevant signing-off powers;
 - Whether any resultant transaction with FDA/ISS is regarded as a settlement agreement or a procurement action which requires National Treasury's written approval, for deviation to continue with such action;
 - Breakdown that reflects the IP cost of each of the three systems will inform the SAPS of which proportional fair value of IP offer can be proposed to FDA/ISS for FPS and PCEM System, excluding the VA-AMIS as the current version cannot be maintained on the new platform; and
 - Signed report was also requested.
- No adequate reply was received from National Treasury.

POSSIBLE PROCUREMENT

- A draft assignment agreement was provided to FDA, to which the latter replied with a signed agreement, which differed in material aspects from the draft provided and to which serious objection was raised.
- A 3rd party claim on PCEM was received by the Division: Crime Intelligence.
- After consideration of the risks and legal advice on the risks, the SAPS decided to terminate the negotiations and not proceed with any procurement from FDA. The latter was informed accordingly, by the legal representatives, on **11 August 2020**.
- Risks identified included the following:
 - Architectural design was not available;
 - PCEM System infringing some of the claims of patent 2003/9721;
 - 3rd party claims regarding intellectual property ownership; and
 - Value for money considerations - the market should be tested for a track and trace system – as FDA does not have a monopoly on track and trace computerised systems.

ROLE OF THE STATE INFORMATION TECHNOLOGY AGENCY

- On 4 December 2020, a meeting was held with SITA to discuss the procurement of PCEM or to acquire an alternative and/or partner with a service provider for an immediate solution.
- SITA indicated that they can enhance the FSL Administration System with a “track and trace” functionality.
- SITA advised, in terms of section 7(3) of the SITA Act, that any procurement of information communication technology goods and services, by any government entity must be done by and/or through SITA.
- SITA also indicated that the valuation process followed by the SAPS, with the assistance of National Treasury, to value the intellectual property of FDA’s systems, was not in line with the SITA Act. Thus the reports cannot be used by SITA to base any procurement decision on, but as an input into a procurement process.
- SITA stated as it was tasked to develop an alternative solution to PCEM (which has not been used since June 2020 and was removed from the SAPS data base during December 2020 by FDA), to track and trace exhibits, the amount spent on same would be fruitless and wasteful expenditure should the SAPS decide to procure PCEM, or any other similar solution to what SITA has been tasked with.

CURRENT SITUATION

- **09 February 2021**, FDA served a letter of demand wherein it claims R644 000 000 as the purchase price of the intellectual property in the three systems and R120 000 000 for maintenance and support, as per an alleged oral agreement.
- Any intellectual property rights agreement must have a meeting of the minds on all essential clauses and not just price.
- If a summons is issued, same will be defended.
- The FDA related cases Sinoville CAS 146/05/2017 and Kameeldrift CAS 45/09/2017 are investigated by the Investigating Directorate (ID) of the National Prosecuting Authority (NPA). The investigation is at an advanced stage.
- The departmental case pertaining to FDA related matters, is currently in progress.

CURRENT SITUATION

- On **07 December 2020**, an electronic mail was received from National Treasury:
 - Mr J Xaba from HaReBueng Services (Pty) Ltd: The systems in dispute between SAPS and FDA have already been paid for by the State through the IDC.
- Correspondence sent in **December 2020** to Special Investigating Unit (SIU), DPCI and the NPA ID, to investigate the aforementioned averments.



FORENSIC EXHIBIT MANAGEMENT MODULE

“Track & Trace functionality”

BACKGROUND

- On **30 January 2020**, notice was received from the service provider (FDA) to execute the court judgement of **30 January 2019**, made on the FPS, coupled with the PCEM.
 - The SAPS used the FDA software PCEM System, to manage and control (track and trace) case files and exhibits handed in for analysis at the SAPS Forensics Science Laboratory.
- On **30 January 2020**, the SAPS identified an alternative solution to accommodate the track and trace of case files and exhibits handed in for analysis, at the SAPS FSL, at various locations.

BACKGROUND

- The initiative was put on hold due to an undertaking on 04 February 2020, not to develop any alternative system that seeks to replace any of the service provider's (FDA) systems until the valuation of the intellectual property is concluded.
- On 15 October 2020 the SAPS tasked SITA to enhance the SAPS FSL Administration System, to accommodate Forensic Services' "track and trace" requirement.
- The identified alternative required the development of a functionality on the existing SAPS Forensic Service Laboratory Administration System, to process Forensic evidence case exhibits. This enhancement included a "track and trace" functionality embedded in a Forensic Exhibit Management module.

FORENSIC EXHIBIT MANAGEMENT MODULE DEVELOPMENT AND EXPENDITURE

- The development of a “track and trace” functionality, as a **Forensic Exhibit Management (FEM)** module on the FSL Administration System, was initiated on **14 December 2020**, to include the following:
 - Registration of objects;
 - Case registration;
 - RI sample registration;
 - Movement of objects (Internal handover, external handover and change location);
 - Status change;
 - Barcode deactivation and authorisation;
 - Barcode search functionality (Seal bag number and case information can also be used as search criteria); and
 - including the “Search Functionality” of the existing case file and/or exhibit record.
- The total expenditure toward the phase 1 development to date, is R2 988 140.

FORENSIC EXHIBIT MANAGEMENT MODULE DEVELOPMENT AND EXPENDITURE (2/2)

- Phase 1 development was concluded, technical testing and user acceptance testing (UAT) were successfully completed, on **12 February 2021**. Additional functionalities were identified and presented to FSL Management, on **25 February 2021**:
 - Case file and item barcode regeneration;
 - Modify cancellation – lab number/entry;
 - Update examination type;
 - Update of case information business rules and validations;
 - Deactivation of legacy update case, receipt and post information;
 - Update of case information in FEM; and
 - Update of receipt information in FEM.
- The development is scheduled to be concluded, tested and accepted by **26 March 2021**, and fully functional as a FEM module, by **6 April 2021**.

FORENSIC EXHIBIT MANAGEMENT MODULE DEVELOPMENT TO CAPTURE MANUAL RECORDS

- Following the deactivation of the PCEM system, case files and/or exhibit records were managed and controlled by means of manual processes, including official registers and operating procedures in place, at the time.
- A functionality was developed to capture case file/exhibit information manually recorded by the FSL and not tracked/managed on the PCEM system.

FORENSIC EXHIBIT MANAGEMENT MODULE IMPLEMENTATION AND TRAINING

- A “search functionality”, accessing 10 041 884 existing records, was implemented on **16 March 2021**, making provision for:
 - Barcode search functionality;
 - Change status;
 - Change location;
 - Internal handover; and
 - External handover.
- Virtual work sessions, on the developed FEM module functionality, will take place from 29 to 31 March 2021, followed by further training sessions in April 2021:
 - Training sessions will contribute towards the review and monitoring of the use and integrity of the FEM module deployed.



FORENSIC SERVICES ACTION PLAN

ROOT CAUSE ANALYSIS

Required quality of evidence material

High volume of DNA buccal samples

Increasing demand for forensic products

Lower production levels due to COVID-19:
Evacuation of buildings, infections, rotation of personnel etc.

Not all critical equipment and machinery is operational, due to outstanding service, maintenance, calibration and validation contract.

Critical vacancies in the support and operational environments, negatively affecting the performance.

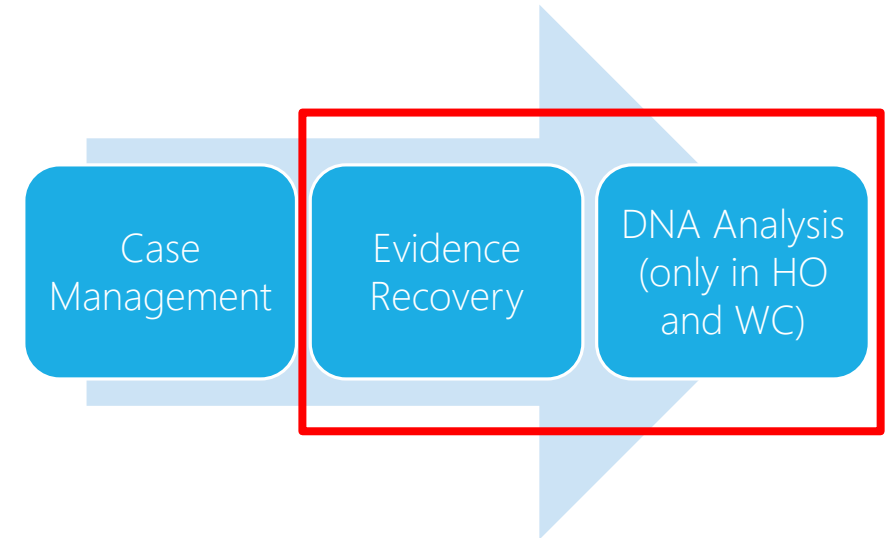
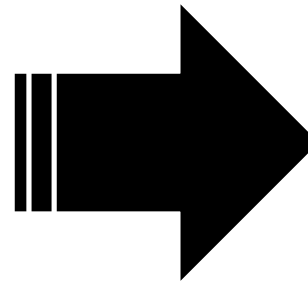
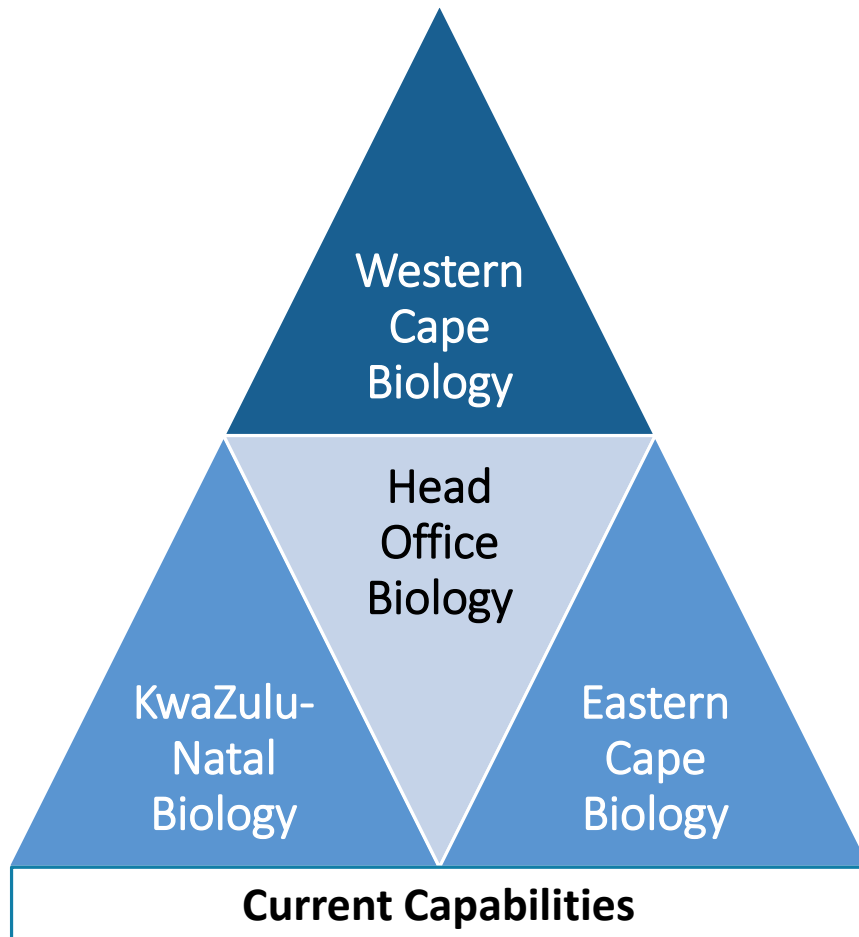
Medical surveillance and vaccination contract for forensic analysts was awarded during December 2020 and service provider is currently vaccinating members.

Not all critical consumables and reagents are available due to outstanding contracts.

Lack of electronic track and trace capability resulting in manual track and trace of cases and exhibits, negatively affecting the turnaround time.

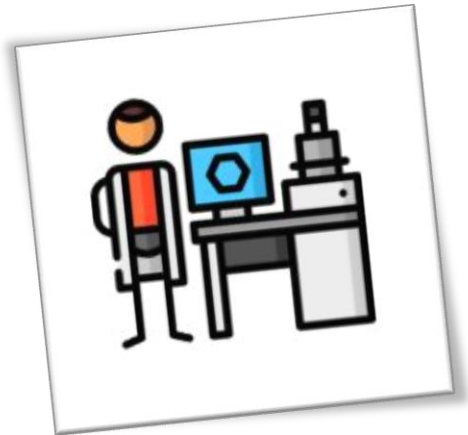
Outstanding finalisation of the Eastern Cape DNA laboratory capability.

ACTION PLAN TO ADDRESS DNA BACKLOG



EVIDENCE RECOVERY: PRODUCTION CAPACITY AND BACKLOG

Evidence Recovery



Resources and Production Capacity

- Human Resources (Forensic Analysts) – Sufficiently capacitated
- Equipment/Technology – Sufficiently capacitated per workstation
 - 5 cases per analyst per day (including contingency)

Current Backlog (10 March 2021)

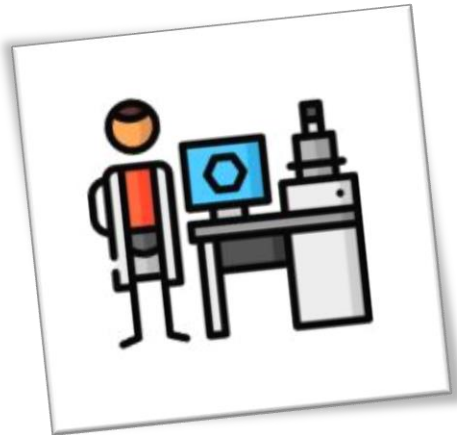
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Contributing Factors to the Backlog

- Inadequate Personal Protection Equipment (PPE) for laboratory use.
- Inadequate polyester swaps for collection of evidence from crime scene exhibits.

EVIDENCE RECOVERY: PRODUCTION CAPACITY AND BACKLOG

DNA Analysis



Resources and Production Capacity

- Human Resources (Forensic Analysts) – Sufficiently capacitated
- Equipment/Technology – Sufficiently capacitated per workstation
 - Reference Index (RI) System – 2 880 cases per day
 - Crime Index (CI) System – 167 cases per day
 - Manual System – 448 cases per day

Current Backlog (10 March 2021)

- 108 342 cases (Crime Index)
- 119 887 cases (Reference Index)

Contributing Factors to the Backlog

- Inadequate Personal Protection Equipment (PPE) for laboratory use.
- Lack of maintenance and service contract for CI and RI systems.
- Validation and training for quantification kits to be concluded in two months.

ACTIONS TO ADDRESS DNA BACKLOG

Action	Responsibility	Timeframe	Progress
<p>Awarding of all outstanding contracts, especially for consumables that are critical in addressing the DNA backlog, according to the project plan</p> <ul style="list-style-type: none"> Maintenance and service contract for CI and RI systems Specialised laboratory PPE Waste removal 	<p>Forensic Services AND Supply Chain Management</p>	<p>30 June 2021 31 March 2021 31 March 2021</p>	<ul style="list-style-type: none"> Specifications and funding certificates have been submitted. Bidding process in progress. Waste removal and PPE in final stages.
<p>Conduct validation and training for quantification kits</p>	<p>Forensic Services</p>	<p>31 May 2021</p>	<ul style="list-style-type: none"> Validation plan developed Requisition for the procurement of the validation and training service initiated
<p>Procurement of quantification kits on quotation basis</p>	<p>Forensic Services AND Supply Chain Management</p>	<p>28 February 2021</p>	<ul style="list-style-type: none"> 42 delivered and currently in use
<p>Procurement of quantification kits on quotation basis for operational use during validation and training for quantification kits</p>	<p>Forensic Services AND Supply Chain Management</p>	<p>20 March 2021</p>	<ul style="list-style-type: none"> Request for deviation from procurement prescripts currently with Treasury

ACTIONS TO ADDRESS DNA BACKLOG

Action	Responsibility	Timeframe	Progress
All forensic analysts to undergo medical surveillance and vaccination required.	Forensic Services	31 January 2021	<ul style="list-style-type: none"> All forensic analysts have undergone medical surveillance and vaccination required with exception to analysts referred for further medical examinations.
Review basic conditions of employment to allow for a shift system within Forensic Services	Forensic Services	Initiated by 30 April 2021	<ul style="list-style-type: none"> None.
Procurement of manual and semi-automatic DNA processing system for Eastern Cape	Forensic Services AND Supply Chain Management	30 September 2021	<ul style="list-style-type: none"> Bid evaluation currently in process

VIABILITY OF POTENTIAL PRIVATE-PUBLIC PARTNERSHIPS

- The Presidency initiated a process to identify potential Private-Public Partnerships (PPPs) to assist with the processing of forensic exhibits.
- A list of potential PPPs have been identified and a steering committee is in the process of being established.

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
Facilitate the optimal use of forensic services and products by clients (Visible Policing, Detective Service, Courts)	<ul style="list-style-type: none"> • (4) Forensic Services Awareness conducted through internal communication nodal point (Ivory Analysis, Primer Residue, Chain of Custody & Data Base Buccal sample).
	<ul style="list-style-type: none"> • Weekly DNA backlog management meetings conducted to monitor progress (12).
	<ul style="list-style-type: none"> • Monthly feedback provided to the Detective Service and the National Prosecuting Authority (NPA) on priority cases (3).
	<ul style="list-style-type: none"> • Presentation on the optimal use of forensic services products, to Crime Combating Forums (61).

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
<p>Optimise the financial and SCM process supporting the provision of forensic services</p>	<ul style="list-style-type: none"> Division Forensic Services operational baseline budget has been increased with R250m from R317 717 000,00 to R563 393 000,00.
	<ul style="list-style-type: none"> Funding certificates submitted on 2020-05-28 to the Division: Supply Chain Management (SCM), for activation of procurement processes.
	<p><u>Number of contracts awarded = 15:</u></p> <ul style="list-style-type: none"> Supply, delivery, installation of water purifying system (2 years); Installation of Roll top covers and rubberising of loading bins for vehicles (2 years); Manufacturing supply, fitment customised steel canopies drawer systems (2 years); Conduct forensic wildlife DNA testing (2 years); Silica membrane based purification kit, genomic DNA (2 years); 2 contracts for Raman Spectrometer (3 years); Supply & delivery of bomb disposal coveralls (3 years); Conversion of ten vehicles into CBRN vehicles (2 years); 2 contracts for Consumables (FTA cards, filter tips, plastic pipettes, POP4, Proteinase K, Centrifuge Tubes) (2 years); Supply and delivery of proficiency tests (2 years); Archiving and retrieval of documents (2 years); and 2 contracts supply, delivery of consumables: semi-automated system RI & CI (2 years).

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
<p>Optimise the financial and SCM process supporting the provision of forensic services</p>	<ul style="list-style-type: none"> Number of contracts to be awarded = 2-which will serve at the Departmental Bid Adjudication Committee on 2021/03/8.
	<ul style="list-style-type: none"> Number of contracts in evaluation stage = 8.
	<ul style="list-style-type: none"> The Eastern Cape DNA laboratory contract was advertised for 14 days, closed and engineers approved the construction. The building will have to be converted to accommodate the establishment of a manual and semi-automated DNA processing system. The building is a non –devolved facility and written approval for the conversion had to be obtained from DPW prior to the awarding of the bid. Approval was obtained on 2021/02/26 together with approval of the plans as submitted by the bidder. The Bid Evaluation Committee will reconvene on 2021/03/16 when a final presentation will be submitted by the recommended bidder where after a submission will be forwarded to the SAPS BAC on 2021-03-19 for consideration to award.
	<ul style="list-style-type: none"> Dedicated overtime of R18 500 000,00 allocated to Forensic Science Laboratory for prioritisation of DNA backlog processing project.
	<ul style="list-style-type: none"> (12) Weekly contract management and procurement committee meetings are conducted to monitor progress on procurement files and outstanding contracts.

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
<p>Capacitate the Division: Forensic Services with adequate staff to meet the demands for forensic products</p>	<p><u>175 post promotions were advertised and are awaiting approval</u></p> <ul style="list-style-type: none"> • Forensic Services and Detective Services have merged into Division. • 17 posts from the 175 are to be withdrawn due to lack of pool of candidates etc. • 158 recommendations have been received. • 132 posts are in the operational environment and will be announced with effect from 1 April 2021. • 26 posts are in the support environment have been placed on hold until the matching and placing exercise has been finalised.
	<p><u>Enlistment of 150 new entry level Forensic Analysts (Warrant Officer)</u></p> <ul style="list-style-type: none"> • 150 posts have been approved in the 2021/22 financial year. • Enlistments to take place with effect from 1 July 2021. • 13 posts were advertised, awaiting approval. • 3 internal: (Staff Officer/Driver/PA): filled effective date 01 October 2020 and 10 external: (FSA/Messenger/Data Typist/Administration Clerks), 9 to be filled 01 April 2021 and 1 withdrawn.
	<p><u>17 General Worker posts were advertised</u></p> <ul style="list-style-type: none"> • 9 filled on 01 October 2020, and 8 to be filled 01 April 2021.
	<p><u>69 re-enlistment applications considered</u></p> <ul style="list-style-type: none"> • Only 33 applications received (8 Constables / 7 Sergeants / 18 Warrant Officers). 11 medicals authorized to date (Const and Sgt). 22 applications are under consideration.

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
<p>Modernise and maintain specialised forensic equipment & methods</p>	<ul style="list-style-type: none"> • (4) Contracts approved for maintenance, service and calibration of equipment: <ul style="list-style-type: none"> ○ 2 contracts for Raman Spectrometer; ○ Supply, delivery, installation of water purifying system; and ○ Manufacturing supply, fitment customised steel canopies drawer systems.
	<ul style="list-style-type: none"> • Technical Advisory Committee established for benchmarking and piloting of new modern and specialised forensic equipment, methods to meet international standards and current priority is focused on Mobile DNA Laboratory capacity. Research and feasibility study is being conducted.
	<ul style="list-style-type: none"> • Three Rapid DNA equipment validation process finalised and ready for utilisation within Forensic Science Laboratory.

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
Establish specialised forensic process optimisation and development capacity to support the need for forensic products	<ul style="list-style-type: none"> • Enlistment of 150 new entry level Forensic Analysts (Warrant Officer) <ul style="list-style-type: none"> ○ 150 posts have been approved in the 2021/22 financial year; and ○ Enlistments to take place with effect from 1 July 2021.
	<ul style="list-style-type: none"> • Number of members trained on ETDP = 32
	<ul style="list-style-type: none"> • Number Forensic Science Laboratory Learning Programmes i.t.o Organisational Standard = 38
	<ul style="list-style-type: none"> • Number of Forensic Science Laboratory Learning Programme on TAS = 60
	<ul style="list-style-type: none"> • Number of Forensic Analysts trained = 1360
	<ul style="list-style-type: none"> • Number of mentorship programme = 50
	<ul style="list-style-type: none"> • Number of members completed mentorship programme = 1323
	<ul style="list-style-type: none"> • Weekly Priority Committee meetings for consideration of critical procurement files, to support the need for forensic products and address the DNA backlog.

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
<p>Enhance management of forensic items, exhibit and record storage</p>	<ul style="list-style-type: none"> • Monthly stocktaking certificates submitted by store managers.
	<ul style="list-style-type: none"> • Announced and unannounced compliance inspections conducted at critical facilities and environments, to support performance and mitigate audit findings.
	<ul style="list-style-type: none"> • Archiving and retrieval of documents contract acquired for 2 years.
	<ul style="list-style-type: none"> • 37 technical audits conducted.
	<ul style="list-style-type: none"> • Weekly 1st and 2nd level inspections conducted by commanders.
	<ul style="list-style-type: none"> • FSL Admin system enhancement by Division: TMS and SITA underway, to provide electronic track and trace capacity, according to the project plan. On the 25th February 2021: Demonstration of the developed Forensic Exhibits Management on FSL Admin was conducted to Division: Forensic Services management. According to SITA and Division: TMS team, system has been deployed from 2021-03-15.
	<ul style="list-style-type: none"> • 24 Hour CCTV coverage and monitoring, at critical sites to prevent possible theft of exhibits and equipment.
	<ul style="list-style-type: none"> • 24/7 Access Control System implemented, at all critical sites to prevent possible theft of exhibits and equipment.

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
<p>Maintain forensic facilities in accordance with ISO standards and OHSACT, in order to ensure value for money</p>	<ul style="list-style-type: none"> Health Risk Management Contract awarded and 5 093 medical surveillance and vaccinations conducted out of 10 330 authorisations, according to the programme of the Service Provider.
	<ul style="list-style-type: none"> All forensic analysts have undergone medical surveillance and vaccination required with exception to analysts referred for further medical examinations.
	<ul style="list-style-type: none"> SHE Compliance Representatives appointed, to ensure compliance on a daily basis. SHE committees are convened, as prescribed to ensure compliance.
	<ul style="list-style-type: none"> Fumigation of facilities conducted on a quarterly basis (1 x fumigation conducted).
	<ul style="list-style-type: none"> Decontamination of facilities affected by COVID-19 was conducted, within 24-hours, to ensure reoccupation of the critical facilities for Forensic Science Laboratory.
	<ul style="list-style-type: none"> Waste Removal conducted on quotation basis and all waste being removed by the appointed service provider and monitored by management.

GENERAL PROGRESS ON THE CORPORATE RENEWAL STRATEGY

Deliverable	Progress
<p>Modernise IT systems to support optimal processing of forensic exhibit material and records</p>	<ul style="list-style-type: none"> Forensic Services has 20 systems to provide the modernised IT systems support to the environment. FSL Admin system enhancement by Division: TMS and SITA underway, to provide electronic track and trace capacity, according to the project plan. On the 25th February 2021: Demonstration of the developed Forensic Exhibits Management on FSL Admin was conducted to Division: Forensic Services management. According to SITA and Division: TMS team, system has been deployed from 2021-03-15.



THANK YOU