RFSDi/IOM Model

Clarification about the potential use of suspect data

Ethics Committee (08 February 2023)

1   Introduction

The results of the beta testing phase for the RFSDi/IOM model were presented to the Ethics Committee in November 2022.

A key recommendation from the internal evaluation conducted by the Data Analytics Lab (DAL) was:

> **For the Ethics Committee to consider whether the RFSDi element of the model could be expanded to include suspects who have not yet been charged with an offence to enable Offender Managers to apply the same methodology across the cohort they manage.**

This was based on the feedback received from officers in the Local Offender Management Units (LOMUs) who expressed frustration that the model only includes data relating to offenders who have been charged, and that only the offences for which they have been charged contribute to the RFSDi score. This means the score for prolific offenders does not reflect further offences for which they are currently being investigated (where they are a 'suspect' within the data set).

Since charge rates are low, this limits the number of people included in the data set and means that Offender Managers (OMs) also need to assess other sources of information when considering which tier of management is appropriate, without the benefit of the enhanced scoring rationale. The role of OMs is to prevent further offending, so managing suspects who are already known offenders for previous crimes is as much part of their remit as managing those charged with an offence.

The independent evaluation undertaken by Babuta (2022) also highlighted the issue of 'missing nominals':

> *Officers reported that a large proportion of individuals who should be scored as high risk are not currently being identified by the system. In part this is because the risk scoring only includes nominals who are classed as 'defendants' but not suspects (those who have been arrested but not yet charged).*

This was cited as one of the main reasons why no police constables (PCs) or sergeants report having confidence in the accuracy of the RFSDi score, or assess that is has delivered operational benefit.

The headline response from the Committee is as follows:

IOM Beta testing (Option E – more information required):

- Committee uneasy with the extension of the frame of reference to suspects from offenders – there needs to be a distinction between suspects and proven offenders.[1]
- Commend Lab/ WMP for their effort to get to this stage of the project and their openness to independent evaluation. They have clearly accepted recommendations regarding the risks associated with the predictive element of the work and the need for further training.
- However, members asked the Lab to return to the Committee with more detailed proposals on how the proposals relating to the incorporation of general suspect data which doesn't distinguish between suspect information with regard to a suspect who is an offender within IOM and a suspect who is not within that programme. Need greater clarity on what is meant by 'suspect'.

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[1] In police terminology 'offender' relates to nominals who have been charged with an offence. They do not become a 'proven offender' until the conclusion of any criminal justice processes.

2   Suspects

The status of 'suspect' is applied to a nominal within our data when they have been identified during the investigation of an offence. This could be through a variety of means such as CCTV, forensics or being named by a victim or witness. Simply being named in an intelligence report, or generally 'known' for a certain type of offence would not suffice for the status of 'suspect' to be applied to a nominal.

The DAL's processes would automatically exclude any suspect who has the 'ELIMINATED' status applied by the investigation team – this signifies that they are no longer a person of interest in the investigation. However, all other suspect statuses would be included in the data set, for example where no charge is brought because of evidential difficulties, insufficient evidence or prosecution not in the public interest. These outcomes remain relevant, in particular when considering offences such as domestic abuse where victims often withdraw support. Failing to achieve a charge does not necessarily mean that the suspect did not commit the offence.

It is important to note that including suspect data within the RFSDi score does not fundamentally change the nature of offender management. Managing suspects, particularly those who are prolific offenders who are suspected of further offences is an intrinsic part of the role of LOMUs and neighbourhood teams to whom they recommend nominals for lower tier management. The inclusion of suspect data is particularly important for managing juveniles and domestic abuse offenders. For the former, OMs need to know that a young person is a suspect number of outstanding investigations, suggesting they are actively engaging in criminality, but will aim to work with statutory partners to find diversionary pathways rather than criminalising them. In the case of the latter, the victim often withdraws support for the investigation, but OMs need to evidence a pattern of offending behaviour.

External reviews of policing point to the need to utilise the data within our systems to manage potential risk and threat in order to perform our duty to protect the public.

For example, the recent review of Operation Soteria Bluestone[2] (which focuses on the work to improve outcomes for victims of rape and serious sexual offences) states that,

> *"while there are important ethical considerations around the inclusion of unconvicted suspects in samples for research purposes, on the basis of ensuring that guilt is not assumed in these circumstances, the premise of police work is based on the collation of intelligence, which is predicated on allegation as opposed to conviction data. The police, by virtue of recording criminal allegations, have a wealth of information which can be used to explore repeat offending and repeat suspects. The police, therefore, have an opportunity to draw on the intelligence contained within their own records to better understand the nature of repeat offending and repeat suspects and to make more informed decisions about how to tackle this type of offending."*

The inclusion of suspects would increase the number of nominals included in the data set overall.

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[2] Stanko et al *Operation Soteria Bluestone Year 1 Report 2021 – 2022*, p.99
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1124704/Operation_Soteria_Bluestone_Year_1_Report-_FINAL.v3.pdf

3   LOMU Requirement for a harm score

The national Integrated Offender Management (IOM) Strategy[3] is a partnership between probation services, police and other partners. Probation use the 'Offender Group Reconviction Score' (OGRS)[4] to assess the risk posed by those leaving prison and to determine whether they are placed in the 'fixed' or 'flex' cohort. The Strategy does allow for individuals to be deselected from the fixed cohort if they are individually assessed as low risk of reoffending. Thus, there is opportunity for OMs to influence decisions made in partnership with Probation and for this they require a robust rationale to support their recommendations.

Some Forces use the Office for National Statistics (ONS) Crime Severity Score (CSS) as part of the decision-making process to supplement the Probation OGRS. West Midlands' RFSDi score incorporates the Cambridge Crime Harm score (the 'severity' element of the RFSDi) which performs the same role as the CSS. Discussion of the similarities and differences between these two scores have been presented in previous papers to the Committee. However, the RFSDi is underpinned by a wider range of information (Recency, Frequency, Severity, Drugs, Intelligence) and therefore should be seen as a more mature model to support these joint decisions.

However, as evidenced by the two evaluations undertaken last year, the RFSDi does not fully support Offender Managers to make risk-based recommendations because suspects are not included. Their remit is obviously wider than that of Probation because they are also responsible for managing those offenders and suspects who have received non-custodial interventions and therefore need an alternative risk score to the OGRS.

For example, in multi-agency strategy meetings about a young person involved in serious violence the ability of the panel to offer appropriate, timely intervention and safeguarding could be jeopardised if the score used by the OM only takes account of the charged offences but fails to reflect the many occasions for which they have been a suspect. Often being a 'suspect' can indicate underlying vulnerability, thus there is a need to quantify this in a universal measure.

Using suspect data also provides transparency around the Free (Domestic Abuse) Cohort, especially where DA non-crimes created between parties provide evidence of escalating behaviour and therefore support the need to proactively manage these suspects. This can be used to support a victimless prosecution or application for a Domestic Violence Protection Order (DVPO). There are multiple examples where protective orders such as stalking protection orders, injunctions, serious violence protection orders and gang injunctions are used to prevent serious harm and require evidence of a pattern of behaviour. Without the suspect data we have a gap in our intelligence led policing model.

From a victim perspective, the identification of habitual offender behaviour allows policing to carry out a fundamental practice of keeping communities safe from harm by understanding risk.

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[3] HM Government, Neighbourhood Crime IOM Strategy Dec 2020
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/942145/neighbourhood-crime-iom-strategy.pdf
[4] OGRS 3: the revised Offender Group Reconviction Scale (core.ac.uk)

5   Mitigation

If it is not possible to include suspect data within the RFSDi tool the mitigation will be to revert to the Recency, Frequency, Gravity (RFG) score that was in operation before the DAL came into existence. This will ensure that OMs have a harm score with which to assess the risk posed by the nominals they manage and to prioritise accordingly (various scores have been in operation for circa the past 13 years and are an integral element in their risk assessment and prioritisation processes).

This pre-cursor is less sophisticated but does include data about suspects and was in common usage prior to the implementation of the new system CONNECT (for infrastructural reasons). It was developed in consultation with a number of other Forces and variations are widely applied across policing.

This approach will ensure OMs have a consistent scoring system which encompasses all the nominals they are responsible for. Options for the IOM model (the predictive element) are to (a) rebuild using the RFSDi with suspect status data; (b) run it using the current RFSDi scoring based on offenders only; or (c) decommission the model and retain only the RFSDi score (with suspect status data), although the predictive modelling element is used by Offender Manager inspectors to make recommendations to neighbourhood teams for lower tier cohorts.