



Myopic decision making: An examination of crime decisions and their outcomes in sexual crimes



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ABSTRACT

Purpose: According to the rational choice approach, offenders consider costs and benefits when making decisions. This study applies this framework to sexual offenses and examines how various decisions made by perpetrators of sexual crimes influenced the desired and undesired crime outcomes that resulted.

Methods: The study examines 2296 crimes of a sexual nature committed by a sample of 898 offenders evaluated at the Massachusetts Treatment Center. Using Generalized Estimating Equations, 23 predictor variables measuring sexually coercive decisions made in each crime about four aspects (*who?*, *when?*, *where?*, and *how?*) are used to predict ten desired (positive) and seven undesired (negative) crime outcomes for offenders.

Results: Results indicated that decisions made by offenders in the context of their sexual crimes were mostly oriented towards the production of immediate positive outcomes and the prevention of immediate negative outcomes, but demonstrated little consideration for non-immediate negative outcomes.

Conclusions: Sexual offenders engage in myopic or hyperbolic discounting when making criminal decisions.

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1. Introduction

Thirty years ago, Clarke and Cornish proposed the rational choice framework to study criminal decision making (Clarke & Cornish, 1985; Cornish & Clarke, 1986). According to their approach decisions of a criminal nature are not different from any other type of decision, and are thus orientated towards the satisfaction of commonplace needs. The applicability of the rational choice framework to all types of decision makers, including some that are considered less rational, has been questioned previously (De Haan & Vos, 2003; Van Gelder, 2012). In the present study we examined for a sample of adult male sexual offenders their sexually coercive decisions and the crime outcomes they produced, also typically considered irrational (Pithers, 1990; Simon & Zgoba, 2006). We frame their sexually coercive decisions primarily as means to obtain certain desired outcomes (i.e., benefits) and investigate how the decisions made during sexual crimes produced these desired/positive outcomes for offenders, but also some undesired/negative ones.

1.1. Rational choice and the pursuit of desired outcomes

In their rational choice approach to criminal decision making, Clarke and Cornish put forward a simple framework to explain how decisions are made: possible courses of actions are evaluated based on their utility for the decision maker (i.e., the pleasures/benefits and the pains/costs of the outcomes they produce). There are two aspects to the rationality of criminal action conceptualized by Clarke and Cornish: (1) it is *instrumental* and (2) it is *bounded*. Instrumental rationality refers to the use of means that are suitable to reach a desired goal (Kolodny & Brunero, 2013), whereas the concept of bounded rationality recognizes the imperfections and limitations of the decision making process. Clarke and Cornish (2001) wrote that offenders “are generally doing the best they can” to reach their criminal goals (p. 25).

The concept of instrumental rationality entails that decisions are made to reach a goal. In all crimes criminal decisions are oriented towards the production of some outcomes that are deemed desirable to the decision maker, whether they be money or thrill. In the case of sexual crimes, there are potentially multiple positive outcomes that can be experienced by perpetrators. Scully and Marolla (1985) identified four types of “rewards of rape” (p. 251) for incarcerated rapists: revenge or punishment; access to unwilling or unavailable women; added bonus to another crime; and adventure and/or excitement (see also Hale,

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1997). Positive outcomes of sexual coercion in a date rape scenario can also be identified in noncriminal undergraduate males (Bouffard & Bouffard, 2011). Sexual gratification, emotional connection, desire for power and control, and pleasure from inflicting pain are some of the outcomes desired by sex offenders, including child molesters (e.g., Bennell, Alison, Stein, Alison, & Canter, 2001; Lehmann, Goodwill, Hanson, & Dahle, 2014). The physical and emotional nature of these desired positive outcomes renders them, however, difficult to measure. No true standardized measurement exists to assess satisfaction of latent desired outcomes such as pride, aggression, sexual impulses, and thrill. The use of behavioral proxies, such as the completion of, the types of, number of, and variety of sexual acts, along with arousal and climax, capture different levels to which the latent desired outcomes were satisfied. These outcomes, it should be noted, are immediately experienced during the sexual assault event.

Clarke and Cornish's concept of bounded rationality also implies that decision making is imperfect and that criminal decisions towards a goal are not always optimal, but are made in contexts in which time and information are often limited. Uncertainty is notably found in the appraisal of the various costs of sexual assault. For example, the non-consensual nature of sexual assault complicates the offender's decision-making process, considering that the offender's and victim's interests for the crime outcomes are at opposite ends (i.e., a win-lose situation in which only the offender or the victim perceives the outcome of the criminal event as positive). It is possible that the victim will refuse to submit or actively resist during the assault (Kaiser, O'Neal, & Spohn, 2015), causing the offender to adapt his strategy (Leclerc, Smallbone, & Wortley, 2013). Other important negative outcomes of sexual crimes are their legal consequences, notably detection and punishment. Because sexual crimes are serious offenses, they are severely punished in most societies. This severe punishment, however, is uncertain and delayed. For multiple reasons outside the scope of the present paper, it has been established that victims of sexual assault frequently do not report their assault to the police (adult women: American Medical Association, 1995; Truman & Langton, 2014; children: Hanson, Resnick, Saunders, Kilpatrick, & Best, 1999; Smith et al., 2000) and that in many cases sexual offenders are not arrested nor punished for their crimes (Federal Bureau of Investigation, 2015; Frazier & Haney, 1996; Snyder, 2000). If criminal sanction is inflicted, it often occurs years later (e.g., Smith et al., 2000). This time lapse is important, considering a pattern previously identified in offenders' bounded rationality: immediate outcomes are of particular importance, whereas delayed and consequences are discounted (Loughran, Paternoster, & Weiss, 2012). This results in myopia in decision making, similar to the medical condition in which only objects that are near are seen distinctly. Therefore, although potentially serious, the negative outcomes resulting from sexual crimes can be delayed or altogether avoided, raising questions about their influence in offenders' decision making.

1.2. Evidence of instrumental rationality in sexual crimes

A growing body of empirical evidence has documented patterns of instrumental rationality in decisions made by sexual offenders. Beauregard and Leclerc (2007) concluded that "sex offenders are decision makers and act in a rational, although sometimes bounded, way during the commission of their crimes" (p. 126). Notably, analyses of some sexual crimes have demonstrated that sequential decisions were made pertaining to the identity of the victims, the time and place of the assault, and the method of the assault (pedophiles: Proulx, Ouimet, & Lachaine, 1995; serial sex offenders: Beauregard, Rossmo, & Proulx, 2007). Previous studies have investigated the instrumental rationality in these four aspects of sexual offenders' decision making.

1.2.1. Selection of a victim

The selection of a victim is an important decision for offenders. Although sexual preferences solely have often been assumed to determine

such selection, empirical evidence has shown that offending opportunities and their costs and benefits also play a role. Seto (2008) noted that some nonpedophilic offenders against children lack sexual opportunities with adult partners and default to children victims because of their ease of access and control. Similar low offending costs are also present in offenses committed by offenders who have a relationship with their victims. For example, in the case of incest offenses, the victims often live with the offenders and/or are under their care for some period of time (Seto, Lalumière, & Kuban, 1999). A similar pattern was revealed in an analysis of sexual offenses perpetrated by members of the clergy. It has been demonstrated that the proportion of male-to-female victims shifted dramatically over the years as girls became allowed to participate in church's activities previously restricted to boys (Terry & Freilich, 2012). Lussier, Bouchard, and Beauregard (2011) found that offenders who selected child-aged victims and intrafamilial victims experienced a higher number of sexual events (desired outcome) and were generally detected less frequently by the authorities and endured fewer legal sanctions (undesired outcomes). Generally, it is possible that the smaller stature and weaker physical strength of children and women explain their frequent selection as victims of sexual offenses, as these characteristics make overcoming their resistance easier for perpetrators (see Cohen & Felson, 1979). At the time of the assault some adult victims may be weaker and possibly represent easier targets in given circumstances, for example, when under the influence of alcohol or drugs. Empirical results have indicated that selecting an intoxicated victim resulted in higher likelihood of penetration and lower levels of victim resistance (Abbey, Clinton, McAuslan, Zawacki, & Buck, 2002; Testa, Vanzile-Tamsen, & Livingston, 2004; Ullman, Karabatsos, & Koss, 1999), lower likelihood of reporting to the authorities (Abbey, Ross, McDuffie, & McAuslan, 1996), and more negative views by police officers receiving the complaint (Schuller & Stewart, 2000). From a rational choice perspective, there is empirical support for the idea that the selection of victims with specific characteristics can maximize desired outcome(s) while minimizing undesired outcomes(s) for offenders.

1.2.2. Selection of time and place(s)

Time and place are also important to the success of the criminal enterprise. In the case of sexual offending, it is possible for most victims – although smaller and weaker – to call for help or for a third party to interrupt the assault. Therefore, the perpetration of sexual assault requires control of the settings by the offender at a time and place at which the victim can be accessed without supervision and controlled without interruption. Unsurprisingly, the most frequent location of occurrence of sexual assault is inside the home (US Department of Justice, 1997), a private location where interruption or intervention is less likely. Recent findings have also indicated that changes in location during sexual crime events were more prevalent in cases with less premeditation (Beauregard & Busina, 2013), indicating that perpetrators who did not plan their offenses realized the need to change location to obtain their desired outcomes. With regard to temporal decision making, descriptive patterns indicate that a sizeable proportion of rapes and sexual assault incidents occur between 6 p.m. and midnight (US Department of Justice, 1997), a period of time in which people tend to engage in domestic or recreational activities. Sexual assault is also more prevalent at summer time (US Department of Justice, 2014), a time in which children are out of schools' supervision, and people wear less clothing, and are outside more often. Some of these victimization patterns are possibly explained by changes in supervision varying by time and locations, in line with Eck (1994) who argued that the supervision of offenders, victims, and places can all prevent crime. It has been demonstrated that the presence of other children reduces the likelihood of intrusive sexual acts by offenders (Leclerc, Smallbone, & Wortley, 2015). Adopting a rational choice perspective, it follows that times and places have various benefits and costs attached, therefore impacting crime outcomes for offenders. This is further supported by Hewitt and Beauregard (2014) who linked serial offenders' spatial decisions to *modus operandi*

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