

**Deciding on crime? Rational vs. non-rational elements in offender
decision making.**

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Abstract

This study examines the applicability of Rational Choice Theories of offending to offenders' actual offending experiences. The Rational Choice theoretical perspective is premised on the idea of the offender as a reasoning, decision-making individual who weighs up potential costs and benefits of a crime to achieve maximum utility. This approach to crime has been influential as part of the dominant ethos of the contemporary Criminal Justice system in England and Wales, and indeed the justice systems of most Western societies.

This study relates the Rational Choice Theories of crime to individual offender experiences to investigate if such a process as a decision making calculus can be said to exist within the experience of offending individuals and if so, to explore any factors identified as affecting these decisions.

Previous literature in the application of Rational Choice Theory to crime is reviewed, in particular the previous research that entailed interviews or direct observation of individuals concerning what happens when he or she is about to commit a crime. However the number of relevant studies undertaken with a sample of actual offenders rather than a student or other non offending population is small.

Previous studies of this kind have tended to focus on a particular offence type, utilising for example all burglar or all shoplifter samples, and therefore results and conclusions reached by these studies can be difficult to generalise to other offence types, though there is some overlap in findings. Within the present study, in depth interviews were conducted with 46 offenders with a range of offending experiences. In this way, the

study aimed to assess the applicability of the Rational Choice Theories to a range of offending decisions, bringing together different offences from shoplifting to violent assault. Women were deliberately oversampled relative to the percentage of women in the offending population in order to ensure a balanced viewpoint on decision making. In using a diverse sample group it was proposed that the concepts and ideas emerging from the diverse group could contribute to further development of the Rational Choice approach to crime. To support this theoretical development interview narrative was analysed using techniques adapted from Grounded Theory in order to identify the themes and concepts introduced by the offending individuals in relation to their experiences.

In addition to the interviews, focus groups were conducted with a separate cohort of offenders and a cohort of experienced members of Probation Service staff in order to examine the prevalence of the themes emerging from the interviews. Offender narrative was also checked against an independent overview of the offending incident in question to establish the level of accuracy in terms of the observable facts of the offence.

The results of this research suggest that there is some evidence that some offenders engage in a decision making processes prior to an offence, though evidence of rationality can be seen to vary both within and between individuals and within and between offence types. Where a decision making calculus was observed, several themes emerged from the narrative, including the bias towards focusing thought on potential positive outcomes, the relative lesser weighting of potential negative outcomes in the thought process, and the relative importance of informal sanctions over formal sanctions. The impact of alcohol and drugs was another emerging theme, with offenders describing their substance use as both an inhibitor, and enabler to their thinking processes.

Further, an overarching theme to emerge was the evidence for two goal-regulation type processes identified by the offenders as the main motivator of their behaviour. The first of these is the desire to achieve a want or need through the commission of an offence, which tended to be associated with acquisitive category offences (shoplifting, burglary etc) and the second being to avoid or gain relief from an unpleasant affective state or situation, which tended to be associated with affective or expressive offences. However, despite these process –offence type associations there were once again variances observed within individuals and within offence types. That is, an individual could be seen as offending based on both goal types at different times, and even offence types that appear similar can be a result of different goal seeking processes.

Suggestions are made as to how the findings and conclusions of this study fit with, and allow development of existing Rational Choice approaches to crime, and advocate the use of the developed Rational Choice Approach as a tool for the study of individual thinking in the period surrounding an offence. A ‘Decision Structure’ model based on this developed Rational Choice approach is described, with emphasis on the personal, social and motivational factors present at the time of the offence, providing a framework for exploring the offending decision. Implications of this ‘Decision Structure’ model on the study of offending and on working with offenders are suggested, and ideas for further studies are presented.

Chapter 1: Introduction

Section 1.1: Explaining crime

Crime, and the reasons why individuals commit crime, has been a source of much theorising and debate for many years. Many theories exist as to the reasons why an individual might commit a criminal act, and a central tenet of this debate has always been the differing view of the individual's capacity to act as a free agent in determining his or her own behaviour. Many criminological theories emphasise forces acting upon the person, who as a function of the effect and patterning of these forces may, or may not be led to commit an offence. By contrast, the law holds individuals responsible for their actions so they are taken to possess free will and to make decisions about their actions, or at the very least are able to prevent themselves from breaking the law. The approach that most explicitly embodies this concept as a core theoretical construct within criminology is Rational Choice Theory. The Rational Choice approach to crime has a focus on individuals, and the internal processes that guide them to make decisions to participate in an offence or criminal event. This approach has at its core the assumption that a decision whether or not to offend takes place, and that such a decision is taken by a reasoning, and (at least minimally) rational individual.

Rational Choice Theory was chosen as the basis for the investigations to be reported in this thesis due to the close ties this individual theory of crime has with dominant ethos of the contemporary Criminal Justice System in England and Wales, and indeed the justice systems of most advanced Western societies (Jones, 2008). The 'punishment' focus currently in popular demand within criminal justice essentially sees

the individual as responsible for his or her actions, and applies punishment as a deterrent for engaging in illegal behaviour (Sutherland and Cressey, 1974). These utilitarian assumptions form the basis of our legal system (Matsueda, 2006a). Working within the Criminal Justice System, directly with those individuals who are sentenced in law for an offence can lead to a questioning of the evidence for the validity of this approach. Garland (1990) states that there is no evidence that punishment has ever achieved a high rate of reform, yet the legal system's punitive approach persists, despite the evidence that suggests if punishment fails, the punitive system is ineffective (Jacob, 1979). This investigation is not to examine the relationship between Rational Choice Theory and deterrence or the legal system, but to question and explore the basic assumptions of this approach, that is, the decision is at the heart of an offence, and the proposal that individuals weigh up their perceived costs and benefits in order to make such a decision.

The author of this research has, through many years' experience of working within the Criminal Justice System come to question the core assumptions of the Rational Choice approach, and the utilitarian Criminal Justice System sharing these assumptions. While the assumptions and concepts encapsulated within the Rational Choice approach to crime seem to have practical applications for certain offence types, and with particular individuals, the author is by no means persuaded by the veracity of this approach to explaining all crime and the process by which this takes place.

To further explore the nature and specifics of the Rational Choice approach to crime, it may first be appropriate to locate Rational Choice Theory within the wider range of established criminological perspectives, in order to provide a viewpoint on how the

focus of Rational Choice, and its theoretical assumptions, fits in with the range of perspectives in criminology.

Section 1.2: Setting the scene for Rational Choice Theory

The origins of criminological theory can be said to have two roots – the work of the Classical School, and the positivistic approaches of the 19th century (Soothill et al., 2000). The Classical School, growing out of the work of Beccaria and other philosophers, became a milestone in the development of criminological thought (Monachesi, 1955). The classical school viewed crime as arising from the individual, who exerted free will and guided his own destiny. The Neo-Classical school developed this approach, but also added ideas such as that the young, or ‘feeble minded’ were not fully capable of making these choices (Jones, 2008). Neo-Classical approaches to crime began to also examine the effects of personal circumstances, poverty, and desperation, which should be taken into account when considering the actions of an individual. This Classic approach and its central assumptions of free will and rationality have remained central to the field of criminology since its beginnings (Taylor et al., 1973), and are direct precursors of the modern Rational Choice Theory. More detail on this development is given below, where the Rational Choice perspective is explored in more depth.

At the same time as the individualistic approach of the Classical theorists on crime was influencing criminal justice and punishment, the positivist movement in the 19th century was diverting focus away from the individual, towards the forces that may drive individuals to crime. Sociological positivism viewed social forces as being the primary

cause of criminality, with these forces driving people inexorably towards crime.

Psychological positivism was equally deterministic, viewing individuals as being at the mercy of physical and psychological characteristics that essentially removed their free will (Jones, 2008).

These disparate ideas became more developed, with the influential Chicago School developing the theories of social forces into geographical analyses, attempting to demonstrate why certain areas produced more criminals. This theory went on to be developed further, into what theorists call 'differential association' (Sutherland, 1947), suggesting that these 'criminal' localities are made so through 'social training' for the young living within the area, who learn 'crime' and grow up to be adult criminals. Sutherland (1947) saw this 'social training' as a key cause of what he termed 'blue collar crime' contrasting with the motivations of those from more affluent areas, which he termed 'white collar crime'.

The focus on social pressures continued to be a theme within criminology. Strain theory (Merton, 1957) proposed that individuals become deviant when the pressures they are under cause them to feel they have little chance at legitimate success, and therefore may feel motivated to attempt to achieve success by illegitimate means.

While the theorising on the effects of society and community on an individual's propensity to commit crime continued, there was a parallel focus on the individual. The question asked by psychological approaches to criminology was 'why do individuals commit crime?', and early explanations of crime such as Lombroso's (1876) focused on psychobiology. Though now discredited, this spawned a range of research techniques that

aimed to find the psychobiological features of an individual that may cause criminal behaviour (Palmer, 2003). Family and twin studies were common, but the idea of the 'born criminal' did not stand up to scrutiny, and was heavily criticised by sociological criminologists at the time (Jones, 2008). Other psychological approaches included the influential work of Skinner (1953) in operant learning theory, which advocated that behaviour was reinforced as a function of its own consequences of environmental stimuli, and a development of learning theory (Bandura, 1983) which attempted to add the internal cognitive processes of the individual to the model.

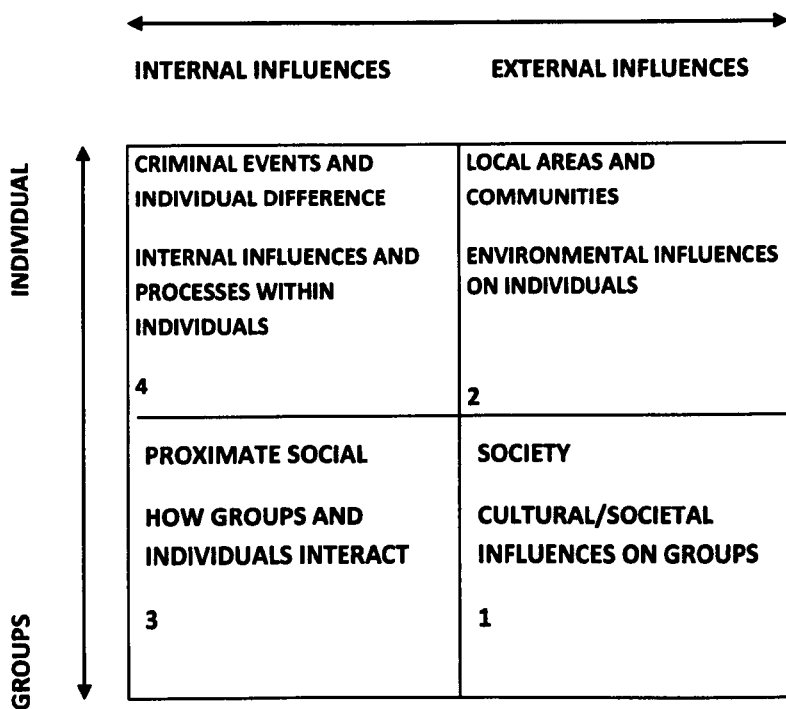
Other influential theories of crime include control theories, both psychological and sociological in approach, which turn the question of 'Why do individuals commit crime?' on its head, and instead enquired into why most individuals do not. Sociological control theory views individuals as being controlled by attachments to family, social groups, and legitimate pastimes (such as education) and these external influences prevent an individual from committing an offence. When these controls are loosened, the individual is at risk. Psychological control theory suggests the same premise, but suggests internal control as a key element, with self control level, personality type, and moral development being influential (Eysenck, 1977; Kohlberg, 1984).

Given the wide variety of theoretical approaches within criminology, with many of them appearing to be contradictory (Hirschi, 1986) the discipline of criminology as a whole can appear confused and disjointed (Cohen and Machalek, 1988). However, when viewed as a range of ideas that examine and seek to explain different aspects of the variance in crime, or different causes of crime, the various theories do not necessarily have to appear to be incompatible (Elliot et al., 1985). Indeed, this variety of theoretical

approaches and explanations of crime could be seen to be a fertile ground for the integration of ideas and therefore the development of advanced theory (Bernard and Snipes, 1996).

One such structure which helps locate criminological theory by the focus and scope of each theory is Bernard and Snipes' classifications of 'individual-difference' and 'structure-process' type theories. These theories can be classified further by locating them in a matrix of how the theory focuses on crime, and at which level crime is evaluated.¹

Figure 1.1



¹ This matrix is adapted from Wilbur, K (2001) A Brief History of Everything, in which the matrix is used to look at aspects of personality, and approaches to psychology and how they can fit together.

Beginning with the lower right quadrant, the criminological focus is on the society, and how it creates crime. Crime is seen as a product of the way society is constructed, and includes theories which try and account for the effects these societal forces have on people and communities. Examples of such theories are Conflict Theory, Strain Theory, and Sociological Control Theory. Conflict Theory, as mentioned above, perceives crime as arising from different groups in society competing for limited resources and power (Palmer, 2003). A closely related theory, that of Strain Theory, views crime as a product of some groups' failure to achieve positively rated goals or rewards, which causes some groups to attempt to achieve them in illegal ways (Agnew, 1992). Sociological Control Theory, as described above, views social structures as keeping the majority of individuals away from crime, and includes the controlling aspects of the legal system, and the social bonds that people form within their communities (Palmer, 2003). These society level theories have been subject to criticism, even from within the field itself, due to the lack of focus on the individual in the analysis, and in particular, the individual or local community factors that may affect how these processes work (Hirschi, 1971). In fact, research had suggested that far from all members of society holding the same view of positive goals, some subcultures have actually redefined the societal rules of what is desirable, and live within those guidelines (Cloward and Ohlin, 1960).

The next quadrant, in the upper right corner covers theories that look at geographical variations in crime, such as the differences in crime rates and types between urban and rural areas, or between different neighbourhoods in a city. Theories which have this focus include Differential Opportunity Theory, and Environmental Theory. The first

of these, Differential Opportunity Theory can be seen to be a development of the ideas set out by the Chicago School in the 1920s. It was felt by Differential Opportunity Theorists that differences between neighbourhoods were the causes of crime (Farrington, 1992).

Similarly, Differential Opportunity Theory views the differences in neighbourhoods as allowing for different opportunities for crime (Cloward and Ohlin, 1960). This approach has connections to Routine Activity Theory, which in this format will be described under the upper left corner of the matrix.

Subsequently, the next quadrant, in the lower left corner, refers to the effects of socialisation by groups on the individual, and how those groups can influence an individual, and affect the criminal attitudes and propensity of that individual. This group of theories focuses on 'proximate' groups rather than large societal groups, and examines the effect of family and peer groups on the individual (McGuire, 2004). Theories in this section include Subcultural Theory, and Differential Association Theory. Subcultural Theory suggests that the community group or subculture to which an individual belongs can define its own norms and rules, and an individual can then be encouraged to live by those rules, rather than those of the wider society (Cohen, 1955). Differential Association theorists such as Sutherland argue that criminal behaviour will arise from group relationships, and the nature of the group, and the relationships in existence will determine the extent and type of crime (Williams, 2004). These relationships will define the attitudes that an individual assimilates; if they associate more with those who have a more favourable attitude towards crime, they are likely to develop those attitudes (Sutherland and Cressey, 1974). These theoretical concepts overcome to some extent the criticisms made of sociological approaches to crime, that is, that the individual was

treated almost as an object, and the motivations of the individual avoided (Clarke and Felson, 1993), but still do not go so far as to consider what exactly makes a person offend. However, these theoretical concepts, although originally developing from a sociological point of view, do tie in with the psychologically based theories which attempt to do just that, in the final quadrant.

The final set of theories concerns the individual and the internal processes that may cause the individual to commit an offence. These exist as a range of theories which look at various factors, from the individual's part in the convergence of the key elements of crime (Cohen and Felson, 1979) to the detailed psychobiological approaches that have existed within criminology for some time. The 'Routine Activity' theory of crime (Felson, 2002) links the individual with the environment around him or her. This approach suggests that crime will occur given the presence of three key elements – a motivated offender, a suitable target, and the absence of a capable guardian. Within this approach, links can begin to be made between the psychological approach (the motivated offender), and the more sociological approaches which deal with opportunity, and control. Although the last two elements have received a lot of attention, the first, the motivated offender, is deliberately left to one side by the theorists. This is the basis of criticism levied at this approach in that though it begins to describe how different elements come together to explain how a crime occurs, the first of these, the 'motivated' offender, is not explored or explained (McGuire, 2004). This is, however, exactly what is focused on within the Rational Choice approach to crime. As described above, and elaborated on below, Rational Choice Theory focuses on the cognitive process of decision making, and for the most part, work has focused on the potential costs and benefits of the offence (Rock,

2002). These costs and benefits could be material, or intrinsic, and are subjective and individual to the offender (Palmer, 2003). Further work within the Rational Choice group of theories has moved on to encompass both societal influence (relating Rational Choice to the 'external' theories described earlier) as well as the role of motivation, subjective values and emotion in offending decision making. These concepts are discussed in more detail below in section 1.3, where a more in depth review of Rational Choice is given.

At the very end of the 'internal spectrum' sit the theories regarding individual factors, that is the purely psychological theories that may affect an individual. It must be said, that these highly internal, psychological approaches have not enjoyed a great deal of popularity in later years (McGuire, 2004) which may in part be due to the enduring reputation of work done by theorists such as Lombroso (1876) who purported criminals to be 'evolutionally regressive' and recognisable by body type or other physical characteristics. Other work was done to examine the interactive effects of personality characteristics such as extraversion with criminality (Eysenck, 1977) as well as self control (Ahlstrom and Havighurst, 1970) and impulsivity (Rotenberg and Nachson, 1979). Locus of control, the extent to which an individual believes their behaviour to be controlled by themselves or chance, is another feature of psychological research into crime (Rotter, 1966).

Given the wide range in focus and scope of the varied approaches to explaining crime, it is no surprise that in developing the thinking in the discipline, theorists have sought to integrate and combine the explanatory power of different approaches. This in itself could be beneficial to criminological theory as a whole, by reducing the number of differing theories and allowing broader models in which to analyse research evidence

(Bernard and Snipes, 1996). One of the main ways in which this integration began to take place is through the inclusion of psychological processes and aspects into sociological theories, and vice versa. For example Containment Theory (Reckless, 1967) develops control theory to include 'inner' containments such as self concept and investment in societal norms with 'outer' containments imposed by adults on children as they develop. One of the most intriguing and useful convergences between two seemingly different approaches is the conceptual links made between Differential Association Theory on the sociological side, and Social Learning Theories originating in the psychological perspective of behaviourism. In both approaches, the influence of the groups and community around the individual is important (Sunderland and Cressey, 1974).

This combination of psychological and sociological approaches has proved to be fertile ground. Braithwaite (1989) proposes a version of Control Theory called 'Shaming Theory' which explores the concept of shame as a control mechanism in an individual, with 'reintegrative shaming' and 'stigmatisation shaming' both having different effects on the outcome of the individual's behaviour. Thornberry (1987) marries up Control Theories and Learning Theories by suggesting that if social constraints are loosened, individuals may be 'freed up' to offend, but will not necessarily do so unless they are also in a situation where they acquire pro-delinquency attitudes and knowledge, and these are reinforced. Elliot, Huizinga and Agetan (1985) agree, suggesting that it is the coming together of the strength of the individual's socialisation (Control Theory) as well as its content (Differential Association) that combines to produce offending behaviour.

Another integrative criminological theory, Situational Action Theory, contains similarities to Rational Choice Theory in that individuals are assumed to be motivated to

act by their perception of different outcomes, but that their perceptions of those outcomes and the range of choices they perceive depends on their situation, as well as their characteristics (Wikström, 2006). Wikström states that a criminal act can never be solely explained by individual characteristics or by situational circumstances, as neither exist in a vacuum, but that the process of making a choice links the individual, their situation and their action together, therefore choice can only be understood within this context.

The marrying up of the individual, the social and the cognitive appears to be fertile ground for the development of criminological theory. This combination of elements is seen as key for the integration of criminological theory to be possible, but can only occur, according to Short (1979) if a model of crime can be devised that unites the individual, situational, and macro levels of analysis of crime. Vila concurs (1994) and suggests that any successful paradigm for understanding criminal behaviour needs to be applicable at both the macro and micro level, as well as having an interactive element.

Section 1.3: The Rational Choice Approach

With this consideration of the breadth of criminological theory, and the extent of its scope, what contribution can this one individually focused approach make to the understanding of crime? The application of Rational Choice Theory to criminology has been an influential approach, becoming particularly popular during the late 1980s and 1990s when much empirical work was undertaken to examine how 'Rational Choice Theory' or the study of how rational decisions are made, could be applied to criminal behaviour in individuals, by explaining this act as the result of a decision making process.

While there are many different theories and approaches offered to explain the decisions made by offenders, with origins in psychology and sociology, Rational Choice Theory originally had its origins in philosophy, and in particular the work of the 'Enlightenment' scholars Beccaria (1764) and Bentham (1789). The central tenet in the thinking of the perspective was the premise of 'free will' and an individual's ability to exercise it (Bouffard and Wolf, 2007). This approach became the central proposition of the Classical School of criminology, and focused on the control of crime through manipulation of penal sanctions (Moran, 1996). In particular, Beccaria's propositions of egalitarianism, legality, proportionality and humanity formed the basis of the modern Criminal Justice System in most industrialised nations (Jones, 2008). This early philosophy stated that potential offenders would avoid offending for fear of potential punishment, an idea central to the theory of Rational Choice and also Deterrence Theory (Akers, 1990). These two theoretical approaches share the assumption that individuals act under free will, and in doing so will seek to avoid costs, the main difference between the theories being that within the Rational Choice approach, rewards of an action or behaviour are equally as important as the costs or punishment.

The Rational Choice Theoretical approach was also influenced by economic models which became popular in the late 1960s and 1970s, when economists expanded their focus on consumer behaviour to focus on criminal behaviour (Mehlkop and Graeff, 2010). In particular, Becker's (1968) 'Crime and Punishment' could be viewed as the most influential work within the Rational Choice approach to crime of the era, introducing a 'Subjective Expected Utility' approach which emphasised that it was the expected utility as perceived by the offender that was pertinent to the decision making process, but

maintaining that an individual's behaviour still represented 'careful thinking and sensible decisions' (Felson, 1993; p.1497). The economic model of Rational Choice Theory assumed therefore at least a minimal level of rationality to weigh up different outcomes, and maximise utility, stating:

"When the probable costs exceed probable benefits, an individual will not commit the crime." (Banfield, 1968; p.160)

The Subjective Utility Model is often represented mathematically, and represents a complex equation incorporating certainty of outcomes, magnitude of reward and severity of punishment (Pilliavin et al., 1986). However, this approach has been criticised because of its very complexity (Becker, 1968) in particular the assumption of the 'normative' status of the individuals making a decision.

This assumption of the normative status of decision makers avoids difficulty on the part of theorists in attempting to measure the motivations of an individual, it being more methodologically achievable to focus on external aspects of an action (Hechter and Kanazawa, 1997). However, the presentation of an individual as such a calculating, reasoned decision maker has been criticised for lack of realism and indeed Cornish and Clarke (1987) suggest that individuals are unlikely to go through such a deliberate, calculating mental process and instead 'intuit' the values and costs of an action, being unable to process information to the level assumed by the normative model (Cherniak, 1986). Instead, individuals act within the limits of their ability, the information available to them, and the pressures of time they find themselves under. Cornish and Clarke refer to this as 'Bounded Rationality' (1986). Simon (1978) suggests that while these decisions

are rational they do not seek to maximise utility, and instead make a decision that is 'satisficing' or good enough.

Within these limitations then, an individual (in this case the offender) would be hypothesized to apply a logical, reasoned process on which his or her decision is based. The choice process involves the weighing up of the costs and benefits of the various approaches available in order to achieve as an outcome the maximum benefits while minimising costs. Despite the fact that this decision process may not be perfect, this 'satisficing' can be seen as fitting within the Rational Choice framework as the decisions made have a basis in weighing up costs and rewards (Farrell, 2010). Cornish and Clarke propose that this assumption makes up an 'Informal model' of Rational Choice (1987) in which offenders do make a weighted decision, but in a more 'rudimentary and cursory way' than advocated by the classical economic approach to decision making. The 'Informal Rational Choice model' was originally developed by Cornish and Clarke (1987) to develop thinking about situational crime prevention and in doing so takes both individual and situational factors into account. The movement away from the classic Rational Choice model has developed the approach considerably, with modern theorists recognising that

"Decisions to offend...are influenced by both offences and offenders" Cornish and Clarke 1987, p.935.

The inclusion of the offence opportunities available and the situation the potential offender finds him or herself in is a key development in the Rational Choice approach to crime. It is recognised that while an individual can make a measured decision based on

expected utility of various outcomes, their range of actions may be limited by circumstances. As Felson (1986, p.119) states

“People make choices, but they cannot choose the choices available to them.”

The Rational Choice approach to decision making described latterly recognises that individual decisions are affected by the individual’s perceptions as well as the circumstances in which they find themselves. This approach to Rational Choice belongs to the family of Choice theories described by Hechter and Kanazawa (1997) as ‘thick’ theories, which differ from the classic, economically based ‘thin’ Rational Choice Theories. Whereas the ‘thin’ theories described earlier avoid any examination of the subjective motivations and values of the individual offender, in contrast, the ‘thick’ family of theories places the motivation of the individual as central to his or her decision making, and states that an understanding of the offender’s value hierarchy is necessary to understand their decision making.

The incorporation of individual motivation is highlighted in the closely related model of Routine Activity Theory, which expresses the view that crime will occur at the intersection of three key elements as noted earlier (Palmer, 2003) one of which is a motivated offender. The development of Rational Choice Theory to include situational factors marks a distinct difference between the older, ‘thin’ versions of Rational Choice and the newer ‘thick’ models (Felson, 1993) and allows further consideration of the factors that may affect a decision making process outside of the economic viewpoint of the Classical approach. Cornish (1993) points out that Rational Choice Theory is a theory of the criminal event (committing an offence) rather than a theory of criminal

involvement (or how an individual could become sensitised to crime), and as such, Rational Choice Theory dovetails well with theories of offending that describe a dispositional involvement approach. Recent work has been undertaken to develop this idea of dovetailing theories further, for example, incorporating the idea of social norms into the model (Scott, 2000). Social norms can be viewed as socialised preferences within an individual that affect their decision making, and therefore feed into the rational choice to offend or otherwise.

The central tenet of a Rational Choice Theory of crime that offenders are active, rational beings encourages researchers to find out exactly what an individual's subjective perceptions of costs and benefits are, and whether through applying this approach, crime can be explained sufficiently well. Furthermore, if a decision is fully understood then logic could theoretically be applied to change similar future decisions. As the remainder of this chapter will illustrate, research has been carried out into various populations and on various offence types to try and uncover the factors affecting the decisions of offenders. Of course, not all offences, or offenders are the same, and some offences appear to fit into a rational construct more easily than others. Offences which are violent, aggressive or affective in nature may challenge the rationality explanation of offence decision making.

As stated previously, classic Rational Choice Theory as adopted from economic theory is a normative model in which the hypothesized construct of the decision maker is an individual who is aware of the full range of pertinent factors and information when they make their decision. When the theory is applied to real people, and real offenders, it is difficult to assume that decisions are made in this fully informed manner and that any

individual could possibly process and be aware of every possible factor that may affect the outcome. This concept, described above as 'bounded rationality' (Cornish and Clarke, 1986) or 'limited rationality' (Simon, 1978) suggests that just as important as the possible costs and benefits to a decision, is the availability of information to the decision maker in their context, and any decision will be 'bounded' by this availability and may also be limited by the time pressures to which the individual is subject. Despite these limitations, the individual is seen as having 'free will' to make decisions but that free will is tempered by incomplete knowledge and information (Bouffard and Wolf, 2007). Any individual must be subject to internal (cognitive and affective) and social influences at any point in a decision making process.

While Rational Choice Theory focuses in detail on the first of these influences, it does not seem at first to account for the latter. Other approaches to criminology focus on these social and 'external' influences to a greater degree. For example, the Control Theory of crime (Gottfredson and Hirschi, 1990), like Rational Choice Theory, depicts offenders as rational beings, who can decide to conform to societal norms, or decide to not conform, based on the level of 'control' they are subject to. This control is seen as originating through attachments to others, such as family, limitations on time due to legitimate pastimes, a commitment to a legal means of achieving goals, such as education and additionally the internal attitude towards illegal attitudes in general. Control Theorists such as Box (1981) will argue that in order for an individual to be free to decide to commit a crime, these levels of control must be low, and also the potential offender must be in possession of the skill, means, and willingness to act. Although Control Theory considers what is happening around the offender, unlike classical Rational Choice Theory,

the individual is still viewed as a rational agent, as the subject of these controlling forces. What Control Theory does not do however, is describe the internal process by which an individual enters into a particular criminal event (Hirschi, 1986), instead it is limited to describing a set of circumstances that make a decision to offend, or the propensity to offend, more likely. This potentially leads back to the use of Rational Choice Theory in order to understand the process of any decision to offend (or decision not to) and which factors eventually affect the outcome of this process.

While Control Theory may set out the circumstances that may free up an individual to consider illegal activity, and Rational Choice Theory may be useful in mapping how that consideration is made, another alternative theory, Social Learning Theory, adds to the debate by suggesting how the 'criminal' option in any decision may become an option for consideration at all. Social Learning Theory sees individual behaviour as being the outcome of an individual's learning within a social context. Individuals base how they behave, and react, on observations of others, family, friends and neighbours for example. They reinforce their learning by practicing behaviour. Evidence suggests that children who witness violent behaviour are more likely to display violent behaviour as an adult for example (Widom, 1989 a&b). Whereas Rational Choice Theorists may criticise this viewpoint as deterministic (that is the individual will repeat what they have observed) it can be argued that far from this being the case, social learning may equip an individual with the 'tools' to behave in particular way, though how they eventually behave is determined by the individual him or herself. This school of thought may apply where there are cases of offences that appear to occur without any prior planning or decision making. It is possible to understand how a particular behaviour (such

as violence) could occur in a given situation, where an individual has witnessed violence being used in similar circumstances (Owens and Strauss, 1975).

Where, then, does the potential benefit of Rational Choice Theory to the study of crime sit within these alternate theories about how a crime occurs, and can the basic assumption of all versions of the Rational Choice approach, that a decision to offend actually takes place, be supported? The validity of classic Rational Choice Theory as an approach to understanding crime is vulnerable to criticism on two crucial points. The first of these is that it assumes a normative status for the offending individual, in that the theory assumes the individual is making his or her decisions under optimal thinking conditions. This of course would not always be the case, as with most decisions made by human beings; these decisions to offend may be taken while the decision maker is rushed, under stress or pressure, or with limited information. The second and fundamental point of criticism is that Rational Choice Theory assumes that a decision to commit a crime is made at all. Evidence from various studies of decision making have criticised the normative status of Rational Choice Theory, suggesting that decisions made by individuals, in particular offending decisions, do not operate on this basis (De Haan and Voss, 2003). On this basis, some theorists have argued that the classic economic model of Rational Choice Theory does not apply, and even where a decision can be demonstrated as being made, the assumption of optimal conditions is unrealistic.

Traditionally, and within the thin group of Rational Choice Theories, costs and benefits have been described in limited, material terms, with monetary gain being the most salient 'benefit', and punishment (e.g. imprisonment) the most salient cost. The Rational Choice approach therefore has important implications for agencies that aim to

deal with the consequences of offending or the offenders themselves. For example, changes in sentencing policy for different types of crime in effect alter the weighting of the costs in any decision to offend, but do not address the benefits as perceived by the reasoning offender. Equally important to the management of crime are the assertions of the 'thick' family of Rational Choice Theories. While the 'thin' theories may engage in an economic analysis of crime, this more encompassing group of Rational Choice approaches can try and account for crime by considering social context, as well as individual action and decision making, and the values and motivations pertinent to the individual offender. Only by developing an understanding of the values and goals of the individual can the individual's decision making be understood. As these values and goals may be highly personal to the individual, then they are equally as important within the decision making process as any costs and benefits that may arise from an action being taken.

Such individual values and goals have also been identified as pertinent to those individuals wishing or trying to cease or decrease their offending, as well as those deciding whether or not to commit crime, and these concepts of when not to commit crime are just as important as the reasons to offend in a decision calculus.

The related field of Desistance Theory, while being too extensive to do justice to within this chapter, does identify some such concepts. The concept of human agency is central within Desistance Theory, theorists arguing that the individual must perceive that they have the power and control to effect changes within their life, and cease to commit, or reduce their committing of crime. Agency as a concept can only exist where the individual perceives that they have a range of options to choose between, and the

perception of these options will be affected by the same individual factors affecting a decision to offend. Likewise, the desistance concepts of social capital and life course changes describe how an individual's perceptions of possible outcomes, and evaluation of costs and benefits of an action will be altered by life changes such as commitment to marriage or having a child, and that the individual's building of social capital, or investment in their societal group by way of employment etc will be pertinent factors in any decision making process.

Before reviewing previous work in this area, it is pertinent to remember exactly what functionality a theory of offender decision making must have. If a theoretical approach assumes that a decision is taken before an offence is committed, then to have validity, any theory of decision making must explain decisions made by a range of individuals, resulting in a range of actions. If available information (Rational Choice Theory) levels of control (Control Theory) or variations in experience (Social Learning Theory) can differ from time to time, it is the real time factors that must be pertinent to any decision making process.

Within the study of offending decision making, much research has employed the methodology of examining individuals' future estimation of the probability of offending or of propensity to offend, frequently with a student or college population (such as Tibbetts, 1997). This is a simpler and easier way to conduct research of this type without doubt, but raises some questions about how applicable the findings may be to real life decisions that actually result in a criminal offence in the eyes of the law. While in fact research has shown that 'intention to offend' as an estimated likelihood of doing so is in fact correlated with actual later offending (Tibbetts, 1997) it is by no means true that all

estimated probabilities of offending based on a given set of circumstances will actually result in an offence. An 'intention' to offend reported by a student presented with hypothetical scenarios is qualitatively different from an offenders' 'intention' to offend within a real life situation. If Rational Choice Theory is to have real and meaningful applications to the study of criminal decision making, it must explain actual offending decisions made by various individuals, at the time they are made.

That is not to say that insights gained from experimental studies on propensity or forecasted intention to offend are not useful when investigating the existence of an actual real-life decision to offend, and indeed evidence from a range of these investigations will be examined in this chapter. However the main objective of this thesis is to look at the extent to which a decision-making process was made by individuals prior to actually carrying out the action that constituted an offence. Such a decision, if it can be said to take place, would be at a different location in time under different circumstances, and the individual themselves may have their decision making process affected in very different ways (due to time or peer pressure, or urgent need etc) to the factors that may feed into a decision making process in a hypothetical situation.

Staying with the definition of 'offending decision' for a moment, it is also useful to look at the different types of decision that are potentially all involved in the committing (or otherwise) of a criminal offence, but that would all have slightly different applications of a decision making analysis. Paternoster (1989) notes that offenders may make many different types of decisions about their offending, and that each of these different types of decisions may be affected to a greater or lesser extent by different factors. For example, the decision to first become involved in offending, what Paternoster calls the 'initial

participatory decision' is potentially qualitatively different from what Paternoster defines as a 'current participatory decision'. That is, the first is a choice whether to become involved in crime in general, and the second to become involved in a particular crime event. If in fact, an individual does make what could be described as a decision to become 'involved' in crime, this would be a distinct deliberation from a decision to commit an actual offence, and relates back to Cornish and Clarke's (1986) description of Rational Choice Theory as being concerned with the criminal event, rather than a theory of criminal 'involvement'. It is recognised that the separation of these two types of decision may be more theoretical than realistic, given that it is the act of committing a crime that defines criminal 'involvement' and the event and the involvement of the individual in the event are not separable.

This aside, whether an individual makes a decision to commit a criminal offence (the event) for the first time, or for the 101st time, Rational Choice Theory asserts not only that a decision is made in each case, but that each decision is a weighing up of costs and benefits, then it is an implicit assumption that the offender must make a new analysis each time one of these decisions is made.

Given a very brief overview of the Rational Choice approach and its central tenets, and with the work conducted in this area reviewed below, the research subsequently to be carried out as part of this investigation aims to add to the accumulated knowledge on the validity and applicability of the Rational Choice approach to crime and offending. Considerable research has gone into the application of Rational Choice Theory to criminal decision making, a review of which will make up the remainder of this chapter. In reviewing this research, the author intends to assess the contribution that Rational Choice

Theory has made to the body of understanding regarding criminal decision making and whether, in fact, a decision is evident.

With a consideration of these issues in mind, this review will focus, for clarity, on the decision to commit an offence, and not the theoretically separate issue of an individual deciding to become involved in 'crime' as a way of life, though as stated it is recognised that for many individuals, these decisions will at least once be essentially the same, given that a first offence necessitates both a decision to participate in a particular 'offence' as well as become an 'offender'.

Rather than using Paternoster's (1989) definition above of 'current participatory decision' which implies that a decision is being taken in the present, the scope of this review will focus on how, or if, an individual engages in a decision making process about entering into a particular offending action. The term 'offending decision' will be used to describe any thought process or decision making calculus related to the commission of a crime, or to use Cornish and Clarke's (1986) term, the 'criminal event' for any offence or crime, whether it be the first for that individual or whether they have committed many offences before.

Within this context, Rational Choice Theory has been applied to the decision making processes associated with many offence types, such as burglary, theft, driving offences and 'carjacking' (the forced taking of an occupied vehicle), and many more.

Section 1.4: Reviewing the Literature

Section 1.4.1: Literature Review

Rational Choice theory has been applied to various types of offence, ranging from shoplifting and burglary, to violent offences. The following section presents a review of the range of studies done within the area, grouping these by offence type. These are ordered in approximate level of generally increasing seriousness, beginning with property-related or acquisitive crimes and moving to personal crimes. In each case, the study will be described, then methodological or other limitations will be subject to critical analysis to assess whether authors' conclusions were justified. Studies are described in regard to their methodology and conclusions, and pertinent findings relevant to the application of Rational Choice to crime are discussed.

Driving offences

Rational Choice Theory as applied to driving offences was the subject of interest to Corbett and Simon's study in 1992. Corbett and Simon applied Rational Choice Theory to driving offences in order to investigate how and why drivers adhere to or disregard the rules of the road. In a two year study of unlawful driving behaviours, Corbett and Simon surveyed more than one hundred and fifty drivers identified from an official database of driving related accidents and offences. Questionnaires were followed up with over sixty offenders by in depth interviews, the responses to which were then categorised into reasons to, and not to, offend. Interesting differences emerged as regards the cost of offending, that is in this case the official penalties. Corbett and Simon found that while both low and high frequency offenders wished to avoid penalties, the high frequency

offenders viewed the likelihood of those penalties as less probable. That is, the high frequency offenders perceived themselves as less likely to be caught. Following on from this finding, Corbett and Simon found that these same high frequency offenders committed a wider range of driving offences. One particularly salient finding was that driving offenders see their offences as being qualitatively different from non-driving offences. This, according to Corbett and Simon was due to the fact that these driving offences could be committed alone, frequently, and in the comfort of your own vehicle with only a small likelihood of reprimand. It could be argued then in Rational Choice terms, that this makes driving offences easy to commit as they are safe and easy to commit with high benefits (listed by the sample group as convenience and excitement) with small perceived costs to the offenders. However the conclusion may have been a function of the sampling process employed. Corbett and Simon did deliberately over-sample young drivers in their study, which may have influenced the pattern of their results slightly – in fact forty eight per cent of drivers were under twenty five, and it is possible that these individuals had a different view of the benefits of illegal driving than their older counterparts.

Although Corbett and Simon's study of driving offences was very offence specific, it nevertheless highlights two important issues regarding the application of Rational Choice Theory to criminal decision making. Firstly, the respondents in the study allocate 'likelihood' to the incurring of a penalty, implying that the rational choice equation is not as straightforward as it may appear. A judgement is made by these offenders not only on what the likely penalty is to be, but how likely it is to happen. This is a recurring theme in Rational Choice Theory literature, and features in many studies.

The second pertinent issue highlighted by the results of Corbett and Simon's research are the benefits outlined by the offender for committing the offence.

Offences in this study do not result in monetary or economic gain for the drivers, but have payoffs in terms of convenience (getting there faster) and excitement. This is a departure from the strict economic model of Rational Choice Theory, which focuses on monetary or economic gain, and this premise of expanding the range of costs and benefits to include wider benefits to the offender, such as excitement or convenience etc. is an important development to the original, economic Rational Choice model.

Shoplifting offences

Similarly to the previous study described, a study of shoplifters by Schlueter, O'Neal, Hickey and Seiler (1989) suggests that 'official' costs are not considered as a deterrent. Schlueter et al. interviewed 132 shoplifters on the completion of a Community Service programme for first-time shoplifters, as part of their exit from the programme. The Community Service Programme was offered to offenders as an alternative to incarceration, and the researchers were able to randomly access the participants on their return to court for discharge after completing the course. Schlueter et al. describe the sample group as 'middle class' shoplifters with the majority of the sample being employed in white collar jobs, and just under three quarters of the sample being female. During these semi-structured interviews respondents were asked about the reasons that they committed the offence. The researchers analysed the narrative to examine for rational content. Those offenders categorised as rational (59%) were classed as being so due to their behaviour being calculated to achieve a goal. For many, this goal was monetary but

other varied benefits were listed such as the challenge, convenience (not having to wait in a queue) or revenge against the store. Schlueter et al. thought it important that these alternative goals were recognised as motivating the behaviour of the offenders, even though many of them did not offend for monetary reasons. Those classified as being 'Non Rational' or 'Mixed' types (the remaining 41% of the sample) tended to be older, female, well educated, married and classified themselves as religious. This group were more likely to classify themselves as having shoplifted for reasons such as illness, anxiety, or emotional instability.

Another study on shoplifting was carried out by Carroll and Weaver (1986) using the technique of visiting a potential 'scene of the crime' with 34 shoplifters, recruiting both 'experts' and 'novices' with corresponding shoplifting experiences. Participants were recruited by placing an advertisement in a local newspaper, asking for volunteers (both shoplifters and non-shoplifters) to take part. Participants were classified as 'experts' or 'novices' according to their self-reported levels of shoplifting experiences. The participants were accompanied on a walk around the store by a researcher who asked the participant to put their frame of mind into an 'intention to offend', verbalising the thoughts they were having while walking around. This commentary was recorded using a small lapel microphone affixed to the participant. Analysis suggested that the participants did give some thought to risk assessment but this lessened once the participant became focused on shoplifting a particular item. The aspects of the statements made by participants that seemed most revealing was the tendency of 'expert' shoplifters' decision making processes to be more strategic, involving building strategies to complete the offence successfully. Carroll and Weaver found that the shoplifters were aware of the

penalties of being caught but that these 'costs' were not largely factored into the decision to shoplift. This tendency was even more pronounced for the 'expert' shoplifters. The 'novice' shoplifters with a shorter history of previous offences did appear to consider the possibility of discovery and the associated costs, but only in a limited manner.

This study begins to suggest a rational approach from shoplifters with some experience, and may be a useful contribution to the application of Rational Choice to offence decision making processes; however it would be remiss to take on Carroll and Weaver's classification of offenders without further consideration of potential methodological issues. The 'experts' were classified as such based on their self-reported offending history which was not confirmed with any secondary source. It is possible that offenders in the 'expert' group had considerably less experience than they had expressed, and is of course also possible that 'novices' had more than reported, especially if they were wary of telling researchers the full extent of their experiences. It also appears that the 'novice' group included some participants with no shoplifting experience at all, so although these participants could act as a 'control' for comparison, their narrative would tell us relatively little about the actual offending decision.

These studies of shoplifting describe a decision based approach, finding evidence that individuals engaged in shoplifting do make choices based on perceived outcomes, and while money is an important concern, shoplifters also report gaining other benefits from their offending such as the satisfaction of undertaking a challenge, and revenge against the store. The influence of costs of shoplifting is also an interesting factor within these studies, with the Carroll and Weaver study finding that 'expert' shoplifters spend less time in consideration of these potential costs, while the possibility of arrest and

capture did feature in the decision making of novices, but only to a small extent. This limitation on consideration of costs is a theme that emerges within studies of Rational Choice and crime in other offence categories, for example, burglary. This study also raises an interesting point referring back to the discussion on types of offending decision described above. Although for the purposes of this study, the offending decision is defined as a thought process or decision calculus engaged in by an individual before the commission of any criminal event, it is useful within this study to recognise that Carroll and Weaver have compared the decision making of those offenders with more experience (the experts) with those who potentially are making the decision to commit crime for the first time, and it is this difference in experience, rather than the fact that the novice shoplifters are making the choice to become 'criminals' as opposed to commit a particular criminal offence, that is pertinent.

Burglary Offences

There have been several studies carried out to investigate how the Rational Choice model explains burglary. The best example of one of these studies is Wright and Decker's (1994) extensive research with burglars which explored the decision making process that individuals go through when becoming involved in committing an offence. Participants were recruited through word-of-mouth 'snowball' sampling, initiated by a contact the researchers had within the community in St Louis. Interviewing more than one hundred burglary offenders (with 75% of these interviews taking place at a recent crime site) Wright and Decker investigated the costs and benefits of an offence, and the concept of 'mental space'. The method of using a recent crime site at which the burglars had recently offended, but not been apprehended is unusual but could have overcome some of the

recall issues associated with offender self-report studies, as being back in the environment may trigger memory. It is not stated what effect this may have had on the victims of the burglaries, and as the burglars had not been punished for these offences it is unlikely that they were informed.

Rich and detailed evidence from this research suggests that burglars interviewed in the study located their benefits of offending fairly easily. Monetary gain, drugs, social standing and keeping up appearances were all cited by respondents as salient factors. However, while the burglars could readily state the range of penalties and punishments that could occur as a result of their offence, many having experience of them already, the individuals claimed that they 'tried not to think about it going wrong'. Instead, the burglars focused on 'getting it done and getting out' and afforded little thinking time to the risks or punishments that may result.

This research outlined the benefits to the individuals concerned not just in terms of monetary gain, but also in terms of social standing. This potentially adds to the range of benefits outlined thus far, adding a social element to the 'convenience' and 'excitement' related benefits mentioned earlier as related to driving and shoplifting offences.

Another study of burglars was carried out by Shover and Honaker (1992) who applied Rational Choice Theory to the decision making of a group they termed 'persistent property offenders', conducting semi-structured interviews with 60 individuals identified from the Tennessee Department of Corrections database. Forty six of these individuals were subject to a follow up interview seven to ten months after being released from prison. During this study, offenders were asked to focus their recollection on how their

decision to offend was made, and to provide in depth descriptions of the possible risks and rewards (costs and benefits) that may have been at work. Shover and Honaker found several common and interesting themes. Very few of the offenders interviewed gave any thought to the possibility of arrest, and instead, focused on potential monetary gain, a similar finding to that of Wright and Decker (1994), above.

Shover and Honaker admit that offenders' self-reports may be biased given that they would be more likely to recall some offences over others simply given the natures of the offences. Additionally, some of the ex-prisoners had been in prison for a long time, and were recalling offences committed in some cases up to fifteen years previously. Nevertheless, evidence from Shover and Honaker's work suggests that while knowledge of the risks of offending may exist, this risk is not necessarily allocated any thinking time or 'mental space' when deciding to commit an offence. Again, this particular study has its focus on just one specific offence, but already interesting parallels are beginning to form with the work discussed previously concerning driving offenders. Corbett and Simon's (1992) finding that driving offenders perceive the costs as being unlikely when committing a driving offence contrasts with how Shover and Honaker's offenders view their costs. The latter property offenders did not appear to make a 'risk assessment' of likelihood for the occurrence of the potential costs, rather they did not appear to actively think about them at all.

Continuing with the theme of 'experienced' offenders making faster decisions, and potentially discounting the costs of the decision, a further study involving burglars was conducted by Nee and Meenaghan who had a particular interest in how an offender's experience or expertise could affect their decision making. Nee and Meenaghan (2006)

conducted semi-structured interviews with 50 expert burglars (defined as having committed 20 or more burglaries) aged 21-50 and all of whom were male. These burglars, recruited from two UK prisons, were asked to talk through a burglary from the initial decision until conclusion of the offence. At each stage of this description, they were asked to rate on a ten point scale their level of concentration, ten being the highest. However, only 30 of these interviewees wished to use the scale, and instead narrative was analysed for descriptive levels of concentration. The results of this analysis suggest that burglars used a skilled judgement and appraisal of the available opportunities and environment, and relied on their experience to help them proceed with their offence successfully. As Nee and Meenaghan state, their evidence suggested that the thought processes of expert burglars was, in terms of recognition of cues, speed, and automacy, comparable to established evidence on the decisions of experts in other fields.

This is an important consideration for the study of how Rational Choice Theory can explain crime, given that the speed of the decision making will necessarily impact on the decision making process. The fact that the characteristics of 'expert' burglars' decisions are shared with those decisions made by experts in more traditional fields is evident of a developed skill set of these individuals in committing burglary, and that these skills must affect future decisions on whether to commit a burglary or not. This incorporation of individuals' characteristics, in this case, a developed skills set or expertise is a significant development to Rational Choice Theory and the decision calculus seen to be taking place: after all, a confidence in one's own abilities to successfully complete an action based on previous experience would be a strong influence in undertaking another burglary.

Corporate Crime

Another significant alteration to the 'thin' economic models of Rational Choice is apparent within Paternoster and Simpson's (1993) application of Rational Choice Theory to corporate crime, adding a further dimension of different types of costs for consideration. Paternoster and Simpson surveyed over 200 Australian Chief Executive Officers regarding their estimation of discovery and punishment should they violate standards of conduct in the workplace. Results show that the Chief Executive Officers' perception of the costs of such an offence (in terms of official sanctions) did not exert a deterrent influence on a decision to commit a crime. That is, the obvious or traditional costs of committing a corporate crime were not considered an important deterrent. However, Paternoster and Simpson suggest that when informal costs are taken into consideration then these costs will have a much stronger influence on a decision to committing a crime in the workplace. In common with findings presented above, official costs appeared to have little influence over a decision to offend. Costs to reputation, moral costs and conscience were said to be more influential than official sanctions.

Aggravated vehicle taking – 'Carjacking'

Similarly to the above findings as regards 'expert' decisions by offenders within shoplifting and burglary, Jacobs, Topalli and Wright's study on 'carjackers' also suggests that decision making in offending situations can be quickly carried out. Jacobs et al. (2003) interviewed 28 carjackers (offenders who steal occupied cars through force) in order to explore their reasons for offending. These participants were sourced through a

contact the researchers had within the 'criminal underworld' whose high status in this group helped the recruitment considerably. The contact, whom they had used several times previously in other studies, approached his friends and acquaintances who he knew to be involved in carjacking, to ask them to participate in the study. Jacobs et al. conducted semi structured interviews with the final sample group, most of whom were male, and all of whom were African American. They found that offenders were clear about the benefits of their particular offence, such as it being a reasonably quickly executable offence, and the goods obtained being relatively easy to sell. However, one of the most pertinent findings of this work was the speed at which the decisions were made. Jacobs et al. found that when these decisions were made they appeared to be heavily shaped by the environment and situation at that time.

With so many factors to take into account within such a short period of time, Jacobs et al. suggest that offenders employ a 'perceptual shorthand'. If offenders do develop some kind of 'thinking shortcut' or 'perceptual filtration' (Schlueter et al., 1989) and perceptual shorthand is in process, this must affect how an offender makes a decision. If the decision making process is sped up by 'thinking' shortcuts then there would be less time available for alternative action to be considered. Jacobs et al. also described the context in which the offences take place, describing carjacking, for these offenders at least, as taking place within a wider 'street culture' which places emphasis on hedonistic pursuit, and relies on fast turnover of cash to maintain status. This observation is also pertinent to the decision making of the offenders, who may be motivated to make decisions based on the achievement of acceptance or maintenance of status within the 'street culture' in which they operate. This is an interesting finding which adds to the

collected knowledge on how offenders make decisions about different offences, but methodological aspects of this study suggest a note of caution. The sample of offenders interviewed for this study was small, (28) and all participants were from a particular ethnic group within one particular neighbourhood. While this would not necessarily make the results less valid, it does make the generaliseability of the findings more difficult, and they may not be replicable in another area with other gender or ethnic groups, particularly where the 'street culture' was different.

Robbery

In parallel with the concept of 'perceptual shorthand' outlined by Jacobs et al. above, Feeney (1986) finds in his analysis of interviews with individuals who had committed robbery that they felt their past experience to be a good substitute for planning of an offence, therefore making the decision process quicker. Feeney utilised the interview narrative from a previous study with a participant population of 113 Californian robbery offenders, the sample being stratified for age, race and whether the target of the individual's offence was commercial or individual. The reanalysis focused on decision making and motivation for the offence, and by far the largest motivator for these individuals was cited as being money, though excitement and revenge against others were also common reasons. Less than 15% were found to have what Feeney described as a detailed 'planned approach' and only 21% of the sample expressed that they gave any thought to being caught. Feeney described how the robbery offenders contained within the sample used at least a minimally rational process to decide on the commission of an offence. He goes on to say that some of the participants had committed so many offences

that for them, their experience acts as a substitute for forward planning, as they felt confident that their experiences would guide their choices.

Violent offences

Moving on to violent offences, the concept of criminal 'expertise' is a theme also described by Topalli (2005) who gives a substantial account of evidence for the existence of expertise in a group of violent offenders. Topalli conducted a study of 44 participants in St Louis, splitting these participants between 'active violent offenders', demographic control participants (from the same locality as the violent offenders) and also a group of college students. Topalli required participants to observe an ambiguous social situation generated by a Point Light display, which essentially is a movement of light, which can be attributed to human movement. Topalli was interested in how the violent offenders, and the other participants 'read' the movement and assigned meaning, eventually concluding that the different groups differed in their interpretation of the situation. Based on a complex analysis of the situations described by the participants, Topalli suggests that expertise can be seen as a combination of perceptual skill and procedural knowledge. This concept of 'expert' violent offenders can be seen to be at odds with the image of the aggressive or violent offender as emotionally driven and irrational. This concept is returned to later on, as the applicability of Rational Choice Theory to expressive or violent offences is considered.

Sex offenders

Another group of offenders traditionally seen as impulsive and irrational (Pithers, 1990) were the subject of a study by Beauregard and LeClerc (2007) who aimed to apply

the Rational Choice approach to the offending process of sex offenders. Just as with the driving offenders described above, the rewards of such an offence could not be conceived of as being monetary, as befits the 'thin' version of the Rational Choice Theory, but rather are based around fulfilment of fantasy and desire for feelings of power and sexual gratification, the exact nature of which will vary between individuals. Beauregard and LeClerc interviewed a total of 69 individuals, sourced from a list of all sex offenders incarcerated for more than two years in Canada, the list then being reduced to fit the interview criteria – that is, the offender had two or more convicted sexual assaults on a stranger victim of any age or gender.

The authors conducted semi-structured interviews with participants, additionally collecting information from Police records about the offence. The responses to interview and other data were classified into three phases, the pre offence phase, the criminal event phase, and the post event phase. Results at each phase suggest that the participants were rational, although bounded in their rationality, and that decisions were being made at each part of the process. For example, contrary to the stereotype of sex offenders being impulsive, the results suggested that fewer than 35% of the participant group said they had engaged in no prior planning or pre-meditation. Beauregard and LeClerc went on to suggest that the offending decisions themselves can be seen to be significantly altered by situational factors, not least of which the level of risk perceived as being acceptable to the offender and the 'suitability' of the possible victim (according to offender preferences). These individual preferences play a part in the making of an offence decision and will result in each decision being made differently in each case. As well as recognition of the impact of these factors on the individuals within the participant population for this study,

it must be acknowledged that the population of this study represents a small fraction of the convicted sex offenders in the country in question (Canada) and application of these results to other populations cannot be assumed. This is particularly relevant when considering that for methodological reasons, all of the participants had been incarcerated for their offences, and this outcome of incarceration could be as a result of different decision making processes to those offenders who remain undiscovered. The authors also note that they could not definitively rule out the influence of retrospective distortion on the part of the participants, given that each had spent a considerable amount of time in prison after their offence, though every effort was made to cross check details with Police records, and to validate the recall of the participants by questioning detail.

This application of the Rational Choice approach to violent and sex offences suggests potential for this approach to apply to those types of offences not encompassed within the 'thin' version of the model, but instead, allowing for benefits to the offender as described above, open out the model to incorporate a wider variety of offence types.

Section 1.4.2: Other studies on Rational Choice and offending

The studies described above have all in some way attempted to find out directly from the offending sample chosen what thoughts and factors influenced the individuals concerned when they were making a decision to offend (or not to offend). Interviews and questionnaires relate directly to the individual's experiences. As Shover and Honaker (1992) point out, this methodological approach may have its disadvantages. Offender self-report could be misleading, given that individuals may be motivated by response bias, or

indeed may struggle to remember the details of an offence especially where it took place some time ago. Carroll and Weaver (1986) and Wright and Decker (1994) introduced the method of placing the offender at a real, or potential, scene of an offence in order to try and make the experience more 'real' for the participant and therefore capture current, rather than remembered thoughts. While this may help in terms of memory, there is still the potential for response bias. Adding to these difficulties are the potential problems in obtaining a large enough offender sample. However, other studies of the Rational Choice Theory of offending and crime have approached research in a different way.

One particular methodology that has remained popular in criminological research is the use of the 'scenario' method, in which potential offenders are presented with a hypothetical scenario of offending, and their reactions to this scenario are then examined in relation to other factors, such as personal characteristics. This approach does have its advantages, as it tends to make use of readily available study populations, such as students.

One such study was carried out by Tibbetts (1997) who investigated the effects of three types of 'shame' on students' estimation of the likelihood of their offending. Tibbetts surveyed 604 university students using hypothetical scenarios, regarding the students' estimation of their likelihood to drink drive, and to shoplift. Tibbetts asked the students to rate the likelihood that they would behave in the same way as the characters in the scenarios, and then measured responses about perceived outcomes of these actions. The first of these was shame felt if the offence was exposed, assessed by asking the students what the impact would be on their self-esteem if their offence was discovered. Also, in the same way, Tibbetts measured the shame felt if the offence was not exposed,

as well as the proneness to shame that the students had (i.e. a stable individual characteristic). It was found that potential offenders who expected to feel shame (whether offence exposed or not) were shown to take this into account in their expected utility review when making a decision. Unexpectedly, proneness to feelings of shame actually increased students' estimation that they would offend. Feelings of guilt, embarrassment and actual experiences of shame were also found to be pertinent to the students' estimations of offending in given scenarios. The extent to which these costs exerted influence on the offending decision appeared to vary between offender, and offence, lending support to the view that each offending decision is in fact a considered balance and review of factors – costs and rewards. For example, Tibbetts' findings relating to sanctions effective at reducing intention to shoplift, or to drink and drive, differ. It was found that internal sanctions (such as shame and moral beliefs) were effective at reducing considerations of shoplifting, whereas external sanctions (e.g. legal) were more effective for drunk driving.

Similarly, in a study of high school students, Paternoster (1989) also found that delinquents' decisions to commit their first ever offence was almost entirely unrelated to the delinquents' perceived severity and certainty of punishment. Paternoster surveyed more than 2500 high school students at three stages in their school career, collecting information on various factors, including background, affective ties, material considerations, opportunities for delinquency, informal sanctions, formal sanctions and moral beliefs. When analysing the results, Paternoster found that non-official sanctions such as moral beliefs, parental supervision levels, and social activities were far more influential on the making of the initial offending decision than perceived formal

punishment. In addition, costs, as defined by classical 'Deterrence Theory' were unimportant in the decision to desist from offending.

Just as with the studies described above carried out with actual offenders, it appears that official costs and sanctions are not as influential over any offending decision process as may be expected. In particular, individually held sanctions, such as shame and moral beliefs were more effective deterrents for students. Internally imposed deterrents were also a theme in the study carried out by Nagin and Paternoster (1993). In this study a large number of college students (n=699) were presented with scenarios describing in detail a crime, and the circumstances around it. Scenarios centred on larceny, drunk driving and sexual assault (males only). Respondents were asked to state the probability that they would commit a crime as described, and correlated this with measures of self-control, perceived utility and shame. Nagin and Paternoster suggest that 'internally imposed functions' such as shame proneness, 'present orientation' etc. as well as other factors such as weak social bonds have been found either directly or indirectly to affect intention to offend.

Section 1.4.3: Critique and Methodological issues

The findings of these student-population studies add to the findings from the offender studies described above, but just as there are potential methodological issues with the offender based studies, those utilising a student population also have methodological weaknesses. It is a common criticism of these studies that elements of decision making examined by the research are not the actual offending decisions of those

who subsequently acted to commit an offence, but are hypothetical and based on imagined thoughts and feelings. This is particularly pertinent when considering concepts such as shame proneness, as these may be significantly different for college students who in general, have very different backgrounds to many offender populations. In addition, once again, although the intent to offend may be correlated with later actual offending, they are not one and the same, and an actual participatory offence decision taken in real time is potentially a very different process from a speculation of probability of committing an offence given a hypothetical scenario.

These difficulties aside, informal bonds and costs identified in these student based studies make a significant addition to the official sanctions traditionally thought of as deterrents in Rational Choice Theory. Just as studies have shown a greater variety of potential benefits or rewards of an offence than just the limited economic or monetary rewards encapsulated within classic Rational Choice Theory so have the studies reviewed demonstrated a range of costs or risks far beyond the official sanction or punishment aspects of a decision that are usually considered. For Rational Choice Theory to be applicable to offence decision making, it must therefore be flexible enough to take account of the wide variety of potential costs and benefits that may affect the decision making process. The non-monetary outcomes of an offence appear at least thus far to be as least as if not more influential than the monetary/economic ones.

Given the seeming variety of both costs and benefits to an individual, and the amount of mental space given to each of them, it is pertinent at this point to refer back to the concept of bounded rationality mentioned earlier. As stated by Cornish and Clarke (1986), the bounded rationality approach asserts that an individual cannot be in possession

of the whole range of possible outcomes, whether positive or negative. With a consideration of the concept of 'mental space' or 'not thinking about it' it may be useful to keep in mind just how individuals are bounded in their decision making. It may certainly be true that individuals are not fully cognizant of all the possibilities and information that are potentially relevant. However, a review of evidence touched on here could equally suggest that even where individuals are in possession of the information that they need to help them make a decision, they are bounded in another way. As various respondents in various studies have asserted, they are 'self-bounded' in the way that although they have knowledge of potential outcomes, they do not factor these into their active decision making. Criminal Propensity Theories would suggest that this is due to criminally prone individuals being more impulsive by nature, neglecting to think about long term consequences of behaviour and instead focusing on short term outcomes (Gottfredson and Hirschi, 1990). This impulsiveness, or 'present – orientation' makes potential offenders more likely to only consider short term outcomes as factors in their decision making (Nagin and Paternoster, 1993).

This limitation of factors considered is a feature recurring in much of the research applying Rational Choice Theory to crime. Typically, offenders lend much more consideration to the benefits or positives of offending rather than the costs, and the way in which they do this is illuminating, and key to any application of Rational Choice Theory to the offending decision. By way of illustration of this point, Jacobs, Topalli and Wright's (2003) study of carjacking is useful. As discussed above, one of the most pertinent findings of this work was the speed at which the decisions were made. The quick thinking observed in these offenders (what Jacobs et al. described as 'perceptual

shorthand’) impacts directly on the nature of the decision to offend. If the thinking process is accelerated significantly, then the decision to commit an offence may be made very quickly, in some cases so quickly that other courses of action or outcomes are not considered at all, and the factors that are considered are perhaps reduced.

One element that may contribute to the thinking shortcuts used by offending individuals is the extent to which they have prior experience of the act they wish to carry out. There is much related research on the developed ‘expertise’ of offenders which is too wide ranging and detailed to be covered here in any depth, but the particular overlap of ‘expertise’ research with decision making research suggests that an expert offender may consider different elements when deciding on action than a first time or novice offender, and even if considering these elements, may allot them less mental space or thinking time. For example, the previously reviewed Carroll and Weaver (1986) study found that the decision making processes of expert shoplifters versus novices focused on different factors, with ‘expert’ shoplifters building strategies to assist with the successful outcome of an offence based on prior experiences. Similarly, Wright, Logie and Decker (1995) noted in their study of expert burglars that as their expertise grew in their specialist field of offending, their decision making was helped by the knowledge they had gained through experience.

Without delving too deeply into the wealth of evidence regarding criminal expertise, it is certainly a relevant element of an offender making a decision, in as much as Topalli (2005) points out, expertise affects both the skill and the knowledge the offender can utilise when making a decision. Topalli argues that the development of both the procedural and perceptual skills necessary to commit a successful offence is obtained

through environmental and behavioural experiences. More specifically, Topalli describes how individuals gain environmental expertise by living in areas with crime, even though the individual may not be actively participating in crime, finding evidence of such in groups sharing a socioeconomic background, but fitting into criminal and non-criminal groups. Additionally, individuals involved in crime also had perceptual skills, honed due to their behavioural involvement in crime, and were able to read situations and the actions of others in reference to their own experiences of crime.

Extensive work has been carried out into the heuristics of judgement making, identifying a range of principles which reduce the number of complex tasks an individual must engage in when making a prediction of outcomes (such as the outputs of an offending action). These heuristics act to assist an individual in predicting outcomes by substituting simpler judgemental operations for the complex processes necessary to make a fully informed choice. The application of the field of judgement heuristics to crime has concentrated more on general decision making theory (Tuck and Riley, 1986) and the legal and judicial decision making process and risk assessment of offenders (such as Strachan and Tallant, 1997) than the decision making of the offenders themselves. However, even in brief review some clear overlap can be seen between the key heuristics used in general decision making, and those made by offenders in the commission of an offence. The first of these key processes is that of representativeness, in which an individual will base their prediction of one event or factor on their perception of similarity to another event or factor. So for example, if an individual knows of many peers who have not been apprehended for a similar offence, he or she may assume that as the offence they are considering is similar, they too will be likely to escape detection. The second key

heuristic relevant here is availability, which refers to the ease with which an individual can bring to mind (or imagine) a similar circumstance or event. So, using Topalli's example given earlier, those who have become familiar with criminal events, or have previous experience of criminal events may be more likely to perceive similarities between a current circumstance and previous experience, and therefore make quicker decisions based on this prior experience.

These concepts of representativeness and availability seem to fit with Topalli's description of individuals within similar environments developing similar skills to aid with decision making, whether or not the individual is engaged in criminal activity. The perceptual shorthand described by Schlueter et al. (1989) could be conceived of as being made up of judgement heuristics such as this, and may be a rich source of information into exploring just how offenders become expert within their field, and what that means for their decision making.

Section 1.5: The role of experience

One such development of offending expertise to the decision making of offenders is to apply Topalli's account of environmental expertise to Differential Association Theory and Social Learning Theory, which were discussed briefly earlier.

Differential Association Theory describes how an individual could obtain knowledge of offending from observation of those around him or her (Sutherland and Cressey, 1974), and Social Learning Theory suggests that spending time with those who hold favourable attitudes towards offending will affect the individual's attitude to

offending. This acquiring of pro-offending attitudes and knowledge by observing others' behaviour is precisely what Topalli describes, evidenced by the 'environmental expertise' found in criminal and non criminal individuals in the same community. This crossover of Rational Choice Theory and Social Learning Theory is not limited to the evidence described in Topalli's study. Some theorists suggest that decisions to offend (such as taking illegal drugs) that may appear irrational to outsiders, may be defined as normal within the group the individuals live in. Individuals develop ideas about drug use through learning from their peers, and in this context, their decision to use drugs is seen as usual, or normal (Becker, 1968).

The contribution of the evidence regarding expertise, and the concept of 'perceptual' shorthand adds a meeting point between theories of criminal involvement and theories of the criminal event. Despite Rational Choice Theory focusing on the criminal 'event' and Social Learning Theory focusing on the involvement in crime and why this may happen, it is possible to make a link between the two. Rational Choice Theory has been criticised as being an isolated theory, removed from the social context in which decisions take place, but as Hirschi (1986) points out, Rational Choice Theory is a theory of 'crime', that is the event of crime, and Social Learning Theory a theory of 'criminality', that is recurrent involvement in criminal offending. Thus the question of why an individual offends may be best answered by a theory of involvement such as Social Learning Theory, and Rational Choice Theory adds to this a theory of the criminal event, or how the crime itself takes place. The potential development of 'expertise' as a set of perceptual and procedural skills around offending is an area where the 'decision regarding the event' is affected by the factors influencing 'involvement.' This potential

meeting of theories is an important development for Rational Choice Theory, and may be a way forward to integrating the different ways in how crime is understood to happen. However, while the concepts of expertise and ‘perceptual shorthand’ contribute greatly to this analysis, the wider applications of a joining of theories of involvement in crime with theories of the event are beyond the scope or space of this chapter, which instead is focused on establishing firstly the existence of any defined decision making in the commission of a crime, and if one appears to take place, the applicability of Rational Choice Theory to offending decisions.

Bearing this in mind then, and stepping away from the various skills and techniques an offender may use to ease the process, the core theory of offenders ‘maximising their expected utility’ (Carroll and Weaver, 1986) remains the question at hand. The factors contributing to the highest utility of outcome, that is the wide ranging types of costs and benefits available to the offender, and the extent to which these can be explored, and explained by Rational Choice Theory remains the focus. To recap, Rational Choice Theory defines a decision making process as being made up of a logical assessment of perceived costs and benefits of any outcome of action, and explains all decided outcomes as being due to this action yielding the highest expected utility. The answer to why an individual offends would therefore be expressed as based on the perceived benefits of this action being comparatively greater than the perceived costs. The costs of offending have traditionally been viewed as externally driven (legal sanctions), this view making up the core of the ‘deterrence model’ and strongly influencing sentencing policies (Jones, 2008). However, as can be seen even within this short review, other costs have been found to be far more influential. It is clear that these costs are

pertinent to the execution of a Rational Choice Theory in operation, and that a far more comprehensive understanding of a decision in this context can be obtained when considering a range of more personal factors including shame, loss of reputation, guilt and family disapproval (Tibbetts, 1997).

The application of deterrence policy tends to largely disregard this variety of potential costs. Much work has been done within the field of deterrence, but its overlap with the Rational Choice Theory approach to decision making in crime is such that it is inexorably linked with a consideration of the factors that go into making any decision about committing an offence. The deterrence model in its basic form takes as its central premise severity and certainty of punishment as the principal attributes that discourage people from committing an offence (Massoglia and Macmillan, 2002). However, evidence to suggest that these elements constitute a strong deterrent is lacking.

Carroll and Weaver (1986) found that the thought of being caught was a far greater deterrent for 'novice' shoplifters (those with little or no experience) than for individuals with more experience. This is compatible with the view that the point at which 'official' punishment or sanction would be the greatest deterrent is at the start of the criminal career (Matsueda et al., 2006). Returning briefly to Paternoster's 'initial participatory decision', then this is the point at which these sanctions may be most influential. In other research however this has been found not to be the case.

For example, Paternoster (1989) found that delinquents' decisions to commit their first ever offence was almost entirely unrelated to the perceived severity and certainty of punishment. Paternoster surveyed more than 2500 high school students at three stages in

their school career, collecting information on various factors, including background, affective ties, material considerations, opportunities for delinquency, informal sanctions, formal sanctions and moral beliefs. When analysing the results, Paternoster found that non-official sanctions such as moral beliefs, parental supervision levels, and social activities were far more influential on the making of the initial offending decision than perceived formal punishment. In addition, costs, as defined by classical Deterrence Theory were unimportant in the decision to desist from offending. Once again, the findings of research into criminal decision making point us back to another theory of crime, in this case Control Theory. As discussed earlier, control theory views individuals as being powerfully influenced by various factors, from the influence of attachments to others and legitimate opportunities (Hirschi, 1971) to self control and moral development. Paternoster's findings here mirror this closely, and once again, evidence gained through research into decision making links the theory of the event with a theory of 'involvement', in this case Control Theory. As above, these links are a useful connection between seemingly opposed viewpoints.

Paternoster showed that influential factors in deterrence varied by offence, but again related to more personal costs than to those traditionally defined under 'deterrence'. The phrase 'personal costs' is a pertinent one to consider. With an aim to use Rational Choice Theory as a valid tool to understand the factors that contribute to the decision making of an individual, care must be taken to ensure that the factors that are pertinent to that individual, and not those that seem to the researcher as though they should be pertinent, are accounted for. As Bouffard (2007) points out, the relevance of costs and benefits will vary between individuals. It would be dangerous during research to rely on

the researcher's impression of costs and benefits to the individual, instead letting him or herself determine what these are, and the relative value of these to the individual.

If the influential costs are personal to the offender, and therefore not easily objectively observed, then where does this leave the Rational Choice 'balance' of costs and benefits? Clearly, for this approach to be useful, costs need to be defined more widely than official sanctions. Individually focused work has expanded this narrow definition of costs with more personal factors such as perceptions of shame and embarrassment, moral judgments and self esteem being taken into account. For example, work done on feelings of shame as a cost explores the effect that 'anticipated shame' has on the making of an offending decision (Tibbetts, 1997).

Tibbett's study again is subject to criticism in that it employs a student, rather than offender population. As stated above, it is important to recognise that what influences feelings of shame for a student may be very different to factors affecting shame in an offending individual. The factors that a student may take into consideration when speculating on their actions based on a scenario could be very different from those factors which may be considered in a real offending situation. Despite these methodological weaknesses, this finding has implications for constructing a theory of committing various offences, and in fact Cornish and Clarke (1987) have suggested that given the findings of varied research into Rational Choice Theory and its applicability to offending, and the range of offences that have been covered, a 'crime specific theory' for each offence type may be necessary. However, while this research on shame and its variance between types of offence is a useful starting point for this consideration, it is important to remember that Tibbett's study (see above for details), while useful, was investigating the speculation of

intention to offend rather than those who had actually committed the offence in question. This is a crucial distinction for several reasons. Intention to offend based on a hypothetical scenario may never translate into an actual offence, and the feelings of shame projected to such an incident may be more keenly imagined than felt, or vice versa, should an offence be committed. Using students as a research group also tends to sample a group with similar backgrounds and intelligence level, who may statistically not be likely to go on to commit an offence in any case, and raises questions about the generalisability of the results, and their application with real offending decisions.

The inclusion of personal factors, such as shame, and indeed personal characteristics such as shame proneness, therefore seem to fit within the Rational Choice model in that they are all factors that make up the costs or rewards in any decision. As we have seen above, the level of attachments an individual has to family or legitimate groups, and the environment in which the individual learns, all affect how the individual subsequently thinks and makes decisions. These personal differences, added to the individual propensities such as shame proneness for example, will affect which factors an individual weighs up and how much weight is given to each factor in decision making. If an individual has a high level of shame proneness they may weight the risk of being exposed in their actions much more heavily than otherwise. An individual who tends to consider short term outcomes over long term outcomes may discount official sanctions in their decision making entirely.

The balancing of the 'costs' in any decision under the Rational Choice model is done by a review of the rewards, and this is just as essential to an understanding of the decision making process. Rewards of offending (as affecting the offending decision) are

often surprisingly neglected in research. It is often assumed that offenders commit offences purely for monetary or other material gain (Green and Shapiro, 1994). Evidence from analyses of different offenders' motivations however reveals that rewards to offenders may well be less materialistic, but just as influential. Social status, peer acceptance, excitement or 'kicks' and emotional release have also been identified as strong motivators for offenders (Tibbetts, 1997). Research applying Rational Choice Theory to actual decisions made by convicted offenders has been useful in identifying perceived or subjective costs and benefits of offending (Klepper and Nagin, 1989 a&b; Ellis and Simpson, 1995). As stated earlier it is important that when explaining an offending choice in terms of these costs and benefits, this explanation must make sense for the offender, as well as the observer.

An understanding of the motivations, goals, and fears of the offender and how they influence decision making can be difficult to obtain for several reasons. Firstly, as described, theorists must ensure that they employ the offenders' subjective definitions of costs and benefits rather than the theorists' own. Secondly, there must be awareness that costs and benefits may be perceived as qualitatively different by offenders and researchers. It must also be noted that even where a cost, e.g. a legal sanction such as a prison sentence *is understood* by both, the quantitative value assigned to this cost, or the decision weighting it is given may be very different, both in terms of the 'mental space' it is given, and also in terms of the impact it may be felt to exert on the individual. (The consideration of a prison sentence may affect the researcher much more than an offender who has experienced it several times). When costs and benefits become less overt, these distinctions become even more complex.

The availability of information to an offender and the context of that information is another salient factor in the decision making process. Along with a focus on offender perceptions of costs and benefits, these factors are central to the making of an offending decision. How can a logic based theory such as Rational Choice be useful for investigation and description of the influence of these factors on the decision making of offenders, without negating the core logic of the approach, or becoming so generalized that it contributes little to the actual understanding of individual offenders and individual offences?

Perhaps the answer to this question lies within the theories that approach crime from the opposite direction – from the individual-difference standpoint. Rational Choice Theory does not begin with the individual. Rational Choice Theory is decision focused, assuming that the decision maker - whoever he or she may be – is logical and seeking to maximize expected utility. Classic Rational Choice Theory assumed a normative approach, that is every decision maker was able to process their decision under ‘ideal’ circumstances. This concept was replaced by the ‘bounded rationality’ concept (Cornish and Clarke, 1986), but a further consideration is the fact that Rational Choice could assume a normative model of the acceptable range of options available, that is, offending is undesirable and being law abiding is desirable. This process applies equally to an offender choosing to commit a burglary, or a non offender choosing a holiday. However, there must be something, argues individual crime theory, that separates those for whom offending becomes part of their general spectrum of choice, and those for whom it is not.

Nagin and Paternoster (1993) describe this split between ‘situation and circumstance’ theories and economic theories. They present empirical evidence showing a

strong association between self control measures and intention to offend, supporting the view that crime is caused by 'enduring individual differences'. As describes earlier, Nagin and Paternoster presented a large number of college students with scenarios describing in detail a crime, and the circumstances around it. Respondents were asked to state the probability that they would commit a crime as described, and correlated this with measures of self control, perceived utility and shame. Findings suggested that internal factors, such as proneness to shame and tendency to focus on the present as well as the strength of social bonds all affect how likely an individual feels he or she is to offend in given scenarios.

Of course, as previously stated, methodological issues with studies such as this can compromise the generalisability of the results. Though the premise of correlating measures of individual differences such as self control with offending is useful, the use of a student population, and the emphasis on speculated intention to offend, rather than actual offending weakens the conclusions. Other criticisms that could be levied at this particular study are the choice of scenarios, though chosen for their 'familiarity' to a college student, this may be counterproductive as it is situations that are familiar to actual offenders that may be more pertinent. However, despite these drawbacks, the integration of individual differences remains an important step forward for Rational Choice Theory. Traditionally, Rational Choice Theory has ignored individual differences amongst offenders (and non-offenders) and has focused solely on facts, or information as the 'choice structuring properties' of any decision (Cornish and Clarke, 1986). However, work described here by Nagin and Paternoster, and Tibbetts etc shows that these individual differences are pertinent to the study of offender decision making.

Within the Rational Choice perspective, these individual propensities, or preferences act as effectively as factual information in terms of being powerful costs or benefits in any decision. The individual differences appear to alter the way the facts appear to the offender, as well as affecting the value base on which their offending decision is made. Within their evidence, Nagin and Paternoster found that offenders' weighing up of costs and benefits is equally as influential as offender characteristics when an offending decision is made. Interestingly, the only factor which did not appear to influence the decision to offend to any significant extent was the 'objective crime circumstances', that is the features of the offence setting, such as in the drinking and driving scenario, the distance from home, and the type of road.

While this research suggests that all offenders have different individual propensities this by no means suggests that offenders are irrational. Rather, these offenders are viewed as being rational beings making logical choices within the boundaries or tendencies of their own personality. Viewed in this way, the theories based on individual differences and Rational Choice seem not opposed, but complementary. Similarly, discussion of feelings and emotional aspects of an offending decision do not negate the mechanisms of Rational Choice, but in fact add depth to it, contributing detail to the understanding of the 'maximum expected utility' for the offender. Perhaps the reclassification of the Rational Choice approach as a tool, with which to map and dissect a decision making process, presents as a more inclusive, holistic manner in which to understand the decision making process, and the mind within which the decision is made.

This viewpoint is perhaps illustrated by the possibilities of interaction between the 'individual differences' factors of an offender, and the costs and benefits they weigh in

balance when making a decision. The use of 'maximum expected utility' is certainly easier to understand in a rational sense when these 'individual' factors are taken into account. For example, research has suggested that offenders, in general, tend to have a low level of self control, and in particular, tend to be impulsive and 'present oriented' (Gottfredson and Hirschi, 1990). This character trait would certainly not preclude an offender from considering long term costs of a decision, but may mean that the probability of them doing so is smaller than for someone who decides not to offend. Additionally, the perceived utility of a decision at the time that the decision is made by the individual (expected utility) may vary considerably to the observed or actual utility that ensues due to the final action taken (Brezina, 2002). With this understanding, a decision that from the outside looks highly irrational may make more sense.

The Rational Choice approach gives the means to explore the costs and benefits of a decision, what importance those factors have for the offender, and why they are important to him or her. All of these things will be affected by individual factors, or 'choice structuring properties' (Cornish and Clarke, 1986). The use of drugs is an interesting example of how offenders can be aware of their own 'choice structuring properties'. Cromwell et al (1991c) describe how rather than burglars being motivated by drugs, they are enabled by them. Cromwell et al.'s work, which explored how burglars' decision are affected by drug use, found that far from drugs simply being a motivator for an offence, they also acted as a facilitator. The evidence collected from interviews with burglars describes the manner in which burglars may use drugs as a relaxant, enabling them to 'think straight' and get on with the job in hand. Many of the individuals in Cromwell et al.'s study described how using drugs enables them to focus more easily on

the task in hand, become less distracted, and less affected by nerves, therefore improving their thinking and decision making.

Choice structuring properties (altered with drugs or otherwise) affect what information offenders perceive in the first place (their bounded rationality), how they process it when they do (values of costs and benefits) and subsequently the decision made. Assaad and Exum's (2002) examination of the literature on how alcohol affects decisions suggests that drinking alcohol does not preclude a decision being made, but alters the way it is made, asserting that one of the effects of alcohol is to make aggression seem like the most rational response. Given that in 2008/09, 47% of victims of violent crime reported their attacker as being under the influence of alcohol this is an important consideration (Home Office Statistical Bulletin 2009). Research on how alcohol affects the way in which individuals make decisions suggests that one aspect of this phenomenon may be a function of expectancy, that is individuals believe that people behave aggressively after drinking, and therefore this is how they behave themselves (Hull and Bond, 1986; Maisto, Galizio and Connors, 2010), which has clear links with Social Learning Theory. Another viewpoint, labelled 'Cognitive Disruption theory' describes how alcohol can diminish the drinker's capacity to pay attention to what is going on around them (situational cues) whilst at the same time, having the effect of minimizing any potential consequences in the mind of the drinker (Chermack and Giancola, 1997). Therefore it seems that alcohol does not automatically lead to aggressive behaviour, but that this can be a behavioural outcome of it, when all the effects are taken into account. As Assaad and Exum (2002) point out, given the effects of alcohol on the decision

making capabilities of an individual, it may even seem to the individual to be a logical response to provocation or outside cues.

If a decision does take place before an offence is committed, then the method of looking at the real (at least the reality according to the offender) costs and benefits to the offender, i.e. the application of the Rational Choice approach, reveals a lot about the process of decision making, the factors that influence it, and what can be done to alter these decisions. Taking into consideration the contribution of the research into different decision types, different situations, and different cognitive affects (such as intoxication) there is a grounding of literature and evidence to explore concerning the application of Rational Choice Theory to the actual process of offender decision making and what factors are important to it. Given that every decision is assumed to have a new, and fresh analysis within the boundaries of this theory, Cornish and Clarke (1986) suggest that there is a need for a crime specific focus of Rational Choice Theory, which should lead to an increased understanding and level of detail about how individuals decide to commit particular types of crime. This detailed approach has been lacking in other approaches to explaining crime, and may go a long way to obtaining a real grasp of the factors that influence different criminal events taking place.

A further challenge to the application of the Rational Choice approach to crime is the analysis of offences which seem to the observer to be purely expressive in motivation, particularly violent and aggressive offences where no decision appears to take place. It certainly appears that criminological theory research has tended to focus on either Deterrence / Rational Choice approaches, or alternatively on situational / emotional explanations, the role of emotion being neglected in the individual decision making

calculus described in Rational Choice models (Carmichael and Piquero, 2004). Cornish and Clarke (1986), perhaps the primary advocates of the Rational Choice Theory of crime, themselves admit that this has traditionally been a gap in the application of Rational Choice Theory to crime, and have called for more work to be done in this area, to which several authors have responded. Applying a model of rational behaviour to violent or aggressive crimes may seem counterintuitive, but research has shown that it can be applied in several ways (Exum, 2002 studied aggressive behaviour; Bachman et al., 1992 examined sexual offences).

The role of affect and the explanation of affective crime within Rational Choice Theory has benefited from several theoretical developments within the 'thick' family of rational decision making theories. Traditionally, as described above, the roles of emotion and rational decision making in human behaviour have been seen as opposed (Heckathorn, 1993) but a range of models have been developed to try and explain the effect of emotion on decision making. It can be argued that emotions can both derive from rational deliberation, and also prevent individuals from behaving in ways that would seem rational on a short term basis, but be disadvantageous on a long term basis (Hirschleifer, 1992). Contrary to this approach, some theorists have described how emotion, particularly strong emotion, can over-ride rational decision making, causing the decision maker to focus on short term outcomes at the disadvantage of long term outcomes.

“At sufficient levels of intensity these (emotions) and other visceral factors cause people to behave contrary to their own long term self-interest, often with a full awareness that they are doing so” (Loewenstein, 1996; pp272).

The inclusion of a potential emotional state could therefore be important in any examination of an individual's decision making process about offending, both for the effect emotion has on the potential costs and benefits of offending (such as shame, or excitement) but also because of the potential for negative emotion to influence an individual to seek a way of regaining balance, or 'right the wrong' that has caused the negative affect (Agnew, 1992) which clearly has implications for any decision making calculus that may take place.

Section 1.6: Expressive crime

With a view that emotion must play a role in decision making, whether from the point of view of affecting the individual preferences that affect the decision process (Collins, 1993) or from the standpoint that emotion can turn an individual's cognitions 'inward' to the neglect of long term outcomes and impact on others (Bouffard et al, 2008), then this must clearly impact on any analysis of violent, or expressive crime.

When considering violent or aggressive actions, there has traditionally been a dichotomy drawn between 'instrumental' and 'expressive' violence. Instrumental violence is described as violence with a purpose, that is, the violent act is used as a means to an end, and therefore fits quite well into a decision making model, i.e. the individual has committed the act in order to achieve a goal. Juxtaposed to this, an act of 'expressive' violence is said to be intrinsic in that it is borne of emotion, and the act is an end in itself rather than a means to achieve anything else. Considering this led Brezina (2002) to an intriguing application of Rational Choice Theory as a 'tool' to examine the precursors of

such violent offences, and the thoughts that accompany them. In his analysis, Brezina describes how aggressive behaviour amongst delinquent youths may well achieve a goal for them, in the short term at least. Delinquent behaviour, Brezina argues, can be a way of gaining a sense of control, and a raising of self esteem (primarily through peers) where youths feel they lack influence and control in their home, or in their community. In the same way, youths in high crime neighbourhoods use 'functional aggression' and deliberately act aggressive or even 'crazy' and out of control, in order to protect themselves from the unwanted attentions of others. This assertion is supported by Tedeschi and Felson (1994) who say if the sequence of activities leading up to a violent or aggressive offence is examined, then the behaviour can usually be understood as instrumental.

Some theorists, working within the Social Interactionist perspective, would assert that all action is instrumental, in that it is an attempt to achieve what is valued by the actor Wilkinson, (2002) agrees, describing how, in her study of decision making during violent events, that though the violent incidents themselves may appear irrational, and expressive in nature, they can in some cases be understood to have a rational sequence of events leading up to them. Wilkinson interviewed 125 violent offenders from New York City, sampled from a database of recently released young offenders, matched with a demographic sample from the same neighbourhood. Respondents were asked to describe a detailed account of one or more violent incidents they had participated in, the content of which was analysed for references to reasons and motivations, weapons and targets. Wilkinson describes these violent events as being similar to 'public performances' in

which certain precursory factors (particular places, finding a weapon, particular people) are put in place prior to the violent event.

Using Rational Choice Theory to assist researchers in the understanding of what the actor values, and what they are attempting to achieve is an important development in applying this approach to affective, as well as economic offences (Farrell, 2010). The patterns of aggressive behaviour as described by Brezina, though highly personal for the offending individuals, seem nevertheless to fit within a Rational Choice framework. The making of a rational decision involves a purposeful, effective and measured way of achieving maximum utility for the decision maker. This decision making process is not limited to the overt, external benefits or costs as traditionally included within the classic Rational Choice Theory, but rather includes personal, affective, self-related and self-imposed costs, as well as personal, affective and individually valued benefits. The consideration of the effects of individual differences and personality characteristics and the influence of these factors on the decision making process widens the Rational Choice model. Under this wider model, offenders are not only rational, thinking individuals, but individuals with complex value systems. This picture of an offender may be somewhat new, offenders historically being perceived at the theoretical extremes either as at the mercy of their personality 'flaws' (individual theories of crime) or as cool, logical decision makers, possessing all facts and relevant information (Classic Rational Choice). The wider understanding of costs and rewards to an offender brought by the consideration of two varied strands of criminal theory contributes considerably to the analysis of the offending decision. The explanation of aggressive behaviour offered by Brezina above, suggests that this analysis can be extended further. The delinquent behaviour exhibited by

the youths in Brezina's study was offending with a purposeful goal in mind – self-protection. With a wider understanding of the costs and benefits for an offender, it is important to remember that the goal an offender is seeking to achieve is equally as pertinent to the decision making process. Without an understanding of the outcome an offender wishes a decision to achieve, even the best analysis of costs and benefits may fall short – and just like the costs and benefits themselves, these goals may be highly personal to the offender, and not easily understood by others at first examination.

The analysis of offending goals as well as costs and rewards may well indicate a way forward for future application of Rational Choice Theory to varying offences that seem more difficult to explain under this model. The application of Rational Choice Theory to aggressive (Exum, 2002) and sexual (Bachman et al., 1992) offences has begun, but still remains an area with great potential for developing further understanding.

Section 1.7: Aims of this research

Given the consideration of Rational Choice models, and the review of studies above, there does appear to be a convincing body of evidence that suggests the more inclusive, 'thick' versions of Rational Choice Theory can provide a useful framework of analysis for how and if individuals decide to engage in crime. However, the Rational Choice approach even in light of the previous research is subject to criticism. The work to apply Rational Choice models to violent or expressive crimes has begun, but is by no means fully developed, and in order for Rational Choice to provide a useful model for explaining crime, it must be a model that can be applied to different offending individuals

with different values and preferences, as well as different offence types. At this point in time there seems to be lacking a unified model that can be applied to all offence types and all offending individuals with equal validity and success.

The evidence presented above therefore comprises to the author an incomplete picture of the veracity of the Rational Choice model to use with day to day work with individuals who have committed crime. While the research evidence looks promising, the author remains sceptical that the Rational Choice approach is applicable in all offending cases and for all individuals, for many of whom an 'offending decision' does not appear to exist at all, least of all in the calculated manner specified by Rational Choice Theory. Referring back to earlier in this chapter, Bouffard (2002) suggests that individuals dealing with strong emotion can simply act to deal with this emotion without regard to outcomes or consequences, sometimes resulting in a criminal act. Though work has begun looking into expressive crime, the results of this research do not go so far as to convince the author that for this type of crime, the Rational Choice Model is a useful tool for understanding these offences.

On the subject of the versatility of the Rational Choice approach and its usefulness in understanding different offence types, there is a wide range of literature studying actual offences of different kinds within the Rational Choice framework, though these studies have tended to focus on one offence type at a time. Cornish and Clarke have called for a crime specific theory, suggesting that different crimes have different decision calculi, and different things are considered in the decision to commit the crime. However, it is common that in many cases offending individuals have experiences of committing more than one offence type, and it would be useful to investigate whether a different decision if

any was made for each offence type or whether underlying factors consistent within the individual were at play.

To achieve this, the 'offending decision' being investigated in this study will refer to the thoughts, feelings and cognitions that the individual experienced before they committed an offence, and any situational or environmental factors that the individual was aware of that may have affected their behaviour. Within this, the study will investigate any evidence of how these factors may have contributed to a decision to offend, or indeed whether there is evidence of a decision making process taking place at all.

In order to do this, this study aims to investigate the self-report narratives of a range of offending individuals with varied offence types and histories to examine if there is any evidence of a decision making calculus taking place, and what factors the individuals themselves see as pertinent or influential where this decision may take place. In order to be as inclusive as possible, the methodology adopted will be designed to elicit the responses of the participants with an absence of any imposed theoretical framework, and the evidence obtained used to assess the applicability and usefulness of a Rational Choice model for a range of individuals with different experiences, circumstances and offence types.

A final point, which applies not only to the application and research into Rational Choice Theory of crime, but to criminology in general, is the focus for the most part on men who commit crime (Miller, 2002b). While it is true that the majority of the offending population that is known about is male (87% of the Probation caseload in Merseyside at the time the interviews were undertaken was male for example) it does not follow that a

theory of offending decision making should therefore only apply to men (Davies, 1999). Feminist critiques of Rational Choice Theory have made just this point. Miller (2002a) comments that criminological theory either tends to ignore women, instead only focusing on men, or alternatively holds assumptions about women, for example they are less rational, and more emotional than men. In addition to this theoretical note, Miller points out that Gender is just as important. Miller argues that Gender is a socially constructed and complex product, and inasmuch, is central to any individual's propensities and decision making. Additionally, where criminological focus does point at the female offender, it is often within the context of 'women as victim' (Simpson, 1989). However important the recognition is of women's victimisation in a male-dominated society, it is also important to not focus on it too narrowly (Harding, 1987). Instead of focusing exclusively on men, it was felt that within this investigation, a focus on the decision making, or lack of decision making of both men and women would be beneficial. This is not to say that this investigation was designed specifically to test differences between male and female decision making, rather to examine the evidence that decision making in offending is a reality rather than an assumption, and in doing so examine the factors that influence it.

If such evidence is found, and for the theory to be truly valid, this evidence needs to represent the decisions of a range of offenders. Indeed, as well as testing the validity of a decision based approach across a mixed group, this approach gives an opportunity to look at female crime outside of the narrow scope of victimisation and in order to attempt to address this, a deliberate attempt was made to recruit female participants in this research. This is a recommendation increasingly being called for by criminological

theorists as a way of strengthening the evidence of women's agency in crime. Theorists such as Maruna (2001) call for the application of existing research and theory to more women, and Harding (1987) suggests that only by doing so will theory develop ideas of women's agency in crime.

It is hoped that by including a range of individuals with a range of offending experiences within the participant group, and allowing these individuals to speak about their experiences, thoughts and feelings leading up to their offence that a range of ideas and concepts can emerge that begin to link together these different experiences of decision making, or the absence of decision making, around offending. In doing so the aim of this study is to investigate how far the individuals themselves felt a decision to offend was made, and what factors they felt were influential if this process was seen to take place.

The aims of this investigation can be stated as follows:

1. To investigate the evidence that a process of decision making, or a rational calculus, takes place prior to the commission of an offence.
2. To interview a range of individuals with offending experiences, in order to attempt to assess the existence of offender-centric offending decisions.
3. If the individual describes a process by which a decision was made to offend, to build a picture of the factors that influenced these decisions, in terms of thoughts, feelings and situations.

4. To develop theoretical concepts and processes of how individuals come to commit or decide to commit offences, described in their own words.
5. To assess how well these decision processes, if found, can fit within a Rational Choice framework, and to identify any potential theoretical developments that may advance the use of Rational Choice Theory with offending decisions

Chapter 2: Methodology

Section 2.1: Introduction to chapter

This study utilises a qualitative approach to investigate the thoughts, feelings and circumstances that may influence a potential offender before an offence takes place. The timescale for this period is flexible, and can range from immediately before the offence to further back in time, when an offender first began to think about the possibility of committing an offence. This chapter outlines the research strategy for the study, and describes the context and reasoning behind the methodology chosen for this investigation. This chapter will also examine the ethical implications of the methodologies chosen and how these have been addressed.

The methods chosen take as their starting point the desire to put the viewpoint of the study participants at the centre of research. In approaching a study of this kind from the standpoint of a researcher, and as an experienced professional within the field, it is imperative that distinctions are made between the research concepts and goals and the reality of the viewpoints and experiences of those participating in the study. It was intended that by using qualitative methods to conduct this research, a glimpse of the offenders' subjective reality may be obtained. It is the main assumption within this research that the experiences, views and thoughts of the participants are meaningful, and constitute their understanding of the world in which they live. As Charmaz (2004, p.980) states

“We can know about a world by describing it from the outside, yet to understand what living in that world means, we need to learn from the inside.”

It is this 'learning from the inside' that becomes the goal of this study.

Section 2.2: The Research Question

The methodologies for this study were influenced by the research questions posed earlier. This research aims to explore the existence of evidence to suggest that such a process as 'decision making' by offenders takes place, and if this process does take place, what are the circumstances, factors, and thoughts that influence the decision maker. Furthermore, if such a process takes place, the research aims to explore this mechanism to provide a further understanding of how offenders arrive at the point of committing an offence, and what subsequently affects this taking place. In order to achieve this, the methodologies chosen must enable the researcher to access the internal viewpoint of the participating offenders, and as Maruna (2001) suggests, it is only by beginning to understand how an offender understands himself or herself that we can gain any understanding of the offender.

It is the epistemological approach held implicit within this study that 'understanding the participants' understanding' assumes that the reality of an offenders' world is embedded within their perception, and is a product of their engagement and interaction with the world (Berg, 2001). This assumption carries with it the need to develop theory based on this offender view of reality, rather than the perspectives of others, and in order to explore this reality a methodology is required to view or access the events or experiences being studied through the 'eyes' of the offender.

This key epistemological assumption relates back to many of the criticisms discussed in the previous chapter of scenario or student based studies of rational decision making. In those studies, the perspectives accessed were those of a non-offending cohort asked to imagine a situation where they would commit an offence. Although as described earlier, studies such as this have their purpose, they do not fit with the epistemological assumptions held implicit within this study. Within these assumptions reality is seen as a product of social construction, and therefore the reality for the participant makes them the 'expert' within the research (Nee, 2010).

Section 2.3: The current methodology

Discovery of data and theory is at the core of Grounded Theory and it is this approach which is adopted within the present study, to investigate the existence of the offending decision within the experiences of the offender. However, it is important to note that the present study was not intended to adopt Grounded Theory in its purest form as an approach to theoretical development; rather it was employed as a set of principles to assist with the enquiry. Although Grounded Theory emphasises the lack of a theoretical approach and an absence of focused research questions, which was not the case for this study, many researchers have suggested that the Grounded Theory approach can still be beneficial when used as a set of methodological processes, rather than as a purely theoretical approach (Crookes and Davis, 1999).

Within this study, the theoretical approach of Rational Choice Theory guided the literature search and subsequent research questions, an approach incompatible with the

theoretical principles of Grounded Theory in its original form. However, modern researchers often use guiding topics and areas of interest to lead them to a research study, and assert that it is not possible to construct theory from data as a separate entity from the researcher (Charmaz, 2010). Instead, it is recognised that any research will be affected by the researcher; everything about the research, from the sample utilised to collect data, to the general interests or 'sensitising concepts' (Blumer, 1969) the researcher has gained from previous experiences will be pertinent to the study. However, these sensitising concepts can be used as 'points of departure' (Charmaz, 2010; p17) for research, rather than prescribing strict rules to follow.

With an awareness of these sensitising concepts and the application of Grounded Theory principles as a tool to access the reality of the participant, this study aims to explore the offender experience of offending in order to assess the evidence of a decision making calculus, or process, that the offender engaged in prior to the offence.

Although the research questions posed here were influenced by existing Rational Choice Theory, the aims of this study are supported by the adoption of Grounded Theory principles. These principles further the aims of the study, foremost amongst them being the aim to access offender experiences and use the emerging concepts to develop Rational Choice Theory, using emergent data obtained through Grounded Theory methodology and analysis. Despite previous research having already identified potential factors that may influence or define a decision making process, these factors have not been found to be consistent across offences or individuals. In the absence of any 'ground truth' or established reality of what happens when, or indeed if, an offender decides to offend, this

study aims to access the ‘truth’ of the experience of decision making (or lack thereof) as grounded in the offenders’ reality.

The manner in which the principles of Grounded Theory are applied is discussed in further detail below, in the context of sampling and data analysis, but prior to this, it is appropriate to explain and describe the actual methods employed within this study

Section 2.3.1: Accessing the offender experience

The epistemological approach that the ‘reality’ of the offending experience can only be experienced by the offender is central to the Grounded Theory methodology employed within this project. For the purposes of this study a methodology is required that can view events through the perspective of those being studied, or through their eyes (Bowling, 2002). As befits the Grounded Theory tradition, qualitative methods are particularly well placed to answer these questions. As Mason says, qualitative methods are;

“Grounded in a philosophical position that is broadly interpretivist, that is, concerned with how the social world is interpreted, understood, experienced, produced and constituted’ (Mason, 2002; p.3).

It is the assumption of this study that the evidence of the ‘social’ world and internal worlds of the offenders can be accessed through interview and focus group methods, and that the data produced from such methods gives a perspective from the offender of the thoughts, processes and mechanisms that make up their experiences. In doing so, an understanding of if, and how, an offender comes to offend can be built,

according to the perspective of the offender. As Wright and Decker point out (1994) obtaining the offender perspective may not always be the easiest and therefore most popular research method, but it is essential if the viewpoint of the participant, rather than the researcher, is to be achieved.

Given that the aims of this research include obtaining the offender's perspective on whether a decision making process takes place, and in consideration of what is written above, it seems appropriate that a qualitative methodology should be adopted. In particular, the interview technique was utilised as the best way to collect the type of data that would inform the research question. In addition, focus groups were used with two different groups of participants, offenders, and Probation professionals, in order to obtain a different perspective on this question.

Interviews and focus groups are a common research combination. Morgan (2004) conducted a content analysis of sociological and related topic research abstracts, and concluded that the majority of those published articles using focus group methodology combined them with other methods, for the most part interviews. The use of interview either alone, or combined with other research methods is also very common within studies of this type. As stated previously, one such study was undertaken by Maruna (2001) in his large scale investigation into desistance from offending. Maruna utilised a technique known as the 'life story interview', adapted from the version used by McAdams (1985). This interview was semi-structured in style, including areas the researcher wanted to cover, but with enough flexibility to allow the participant to talk tangentially, and to feel free to include whatever information he or she felt was pertinent. Maruna supplemented his interview data with discussions with staff and observations of offender programmes.

Another example of the use of interview methods in criminological research is the study by Zamble and Quinsey (1997) who used this technique to research the criminal recidivism process. Zamble and Quinsey employed a semi-structured interview, in which they asked their participants (recently re-convicted Canadian prisoners) about the events leading up to their most recent re-offence. They supplemented this interview with the use of two 'timelines' which prompted the participants to recall their thoughts, feelings, and time taken between the first 'thought' of an offence occurring, and the actions to the point at which commission of that offence took place. Bennett and Wright (1984b) used a similar technique, using semi-structured interviews with more than one hundred and twenty burglary 'specialists' in order to examine what affected their decision to offend.

The use of the interview in this form of research appears to be the best approach to obtaining the data required for the present purposes. Interviews are flexible (at least in their semi or unstructured form) and allow access to the participant's own understanding of their actions (Bottoms et al., 2004). Additionally, interviews are useful when researching sensitive topics (Brannen, 1988), which offending could be classified as being, due to not only the illegal nature of the topic under discussion, but also the personal feelings and thoughts that may be integral to the commission of that offence. Building on these advantages, the semi-structured interview was adopted as the primary methodology for data collection for this study. The interview schedule was designed loosely upon the ideas used by Zamble and Quinsey which is to elicit information from the offender about his or her offending, and the thoughts, circumstances, and feelings that led to that action being taken. Unlike Zamble and Quinsey, who asked the offender to 'plot' six milestones from the first passing thought of the offence to the point of apparent inevitability, the

approach taken within the current study was not so defined, and allowed the offender to determine their own timelines based on what they saw as influencing factors.

The interview schedule began by asking the participants to describe their most recent, or index offence (the offence for which they were currently subject to Probation supervision). After outlining it, participants were prompted to describe what happened in the period preceding the offence. No timescale was specified, and instead the participant was allowed to describe as long or as short a period as they preferred. Moving forward, participants were asked to describe in detail how they felt, what they then thought, and what circumstances they were in at the stages during and following the period leading up to the offence. Participants were allowed to introduce whatever topics they felt were relevant to this narrative, and in effect, were encouraged to tell a 'life story' of their offence, similar to the technique used by Maruna, as described above. This flexibility was allowed in an attempt to access the factors that were important to the offender, rather than the researcher. Although the research question was to seek evidence of a decision being made, the researcher did not wish to lead the offender into claiming to make a decision or otherwise, and allowing the participant to describe for themselves how they came to the point of what Zamble and Quinsey call 'inevitability' was the method employed to try and achieve this goal.

Section 2.3.2: Interview design

In the design and execution of the interviews for this study, in addition to taking note of the methods used by researchers such as Maruna (2001) and Zamble and Quinsey (1997), consideration was taken of one of the most prominent criticisms of the self report interview technique for eliciting retrospective information. Aside from the criticism that research participants in general, and offenders in particular, may seek to mislead through exaggeration or concealment (Graham and Bowling, 1995) a factor which in many cases has been shown not to apply (Nagin, Farrington and Moffitt, 1995; Weis, 1986), there is the risk that recall may be unreliable, or distorted. This is a pertinent issue, and a body of related work, that of interviewing eye witnesses of crime, rather than the criminals themselves, attempts to overcome this.

The interview of eye witnesses to crime is an essential process in obtaining pertinent information to narrow down the search, or obtain a prosecution of a criminal. Police forces have adopted what is known as a 'cognitive interview' in order to increase the number and accuracy of facts recalled by eye witnesses (Fisher, Geiselman and Raymond, 1987). Although termed the 'cognitive interview' this technique is not a procedure in itself, but is a collection of techniques that can increase recall of events for the interviewee. Research has found that using these techniques can result in twenty five to thirty five per cent more information than a basic interview (Fisher et al., 1987). This information also tends to be more accurate (Geiselman et al., 1985) and can also tend to decrease the incidence of false information being recalled (Centofanti and Reece, 2006). Though these techniques are more commonly used in the interview of witnesses or victims of crime, in this instance, they were incorporated into the planning and execution

of the interviews with the offenders, in order to assist them in accurate recall of as much information as possible about their thoughts, feelings and events leading up to an offence, in order to obtain as accurate a reflection as possible of their experiences.

In interviewing participants on such a subject, it is important, as stated above, to ensure that questions posed are appropriate, and are flexible enough to allow the participant to offer a response that is meaningful to them. One of the techniques in a 'cognitive' type interview also emphasises the sequencing of these questions. A failure to sequence questions properly, or to interrupt a participant in their description, can result in their recall being disrupted and potentially useful information being lost. For example, if a witness was asked a visual question, followed by an auditory question, this could hinder the processing the witness was able to do of the information and result in lost detail (Kebbell, Milne, and Wagstaff, 1999). This may equally apply to a participant offender who is diverted from recalling their feelings or thoughts (internal focus) to what was happening around them (external focus).

The methods of increased recall that the 'cognitive interview' employs are rooted in knowledge of the principles of memory, particularly that there are different ways of retrieving information (Milne and Bull, 2002). A review of the wealth of evidence and research into memory is outside the scope of this chapter, but it is important to note for the purposes of this review that the techniques are based on research, and that there is extensive evidence to suggest that this approach to interviewing can be effective at improving recall (Fisher, Geiselman and Amador, 1989; Geiselman et al., 1985; Boon and Noon, 1994).

The four main techniques of the 'cognitive interview' are often implicitly applied in qualitative interview research without an explicit statement of the technique. The first of these, 'mentally-reinstating' the personal context that existed for the individual at the time of the offence, is a key element of the interview and timeline technique employed by Zamble and Quinsey (1997). The second of these techniques simply encourages the participant to report everything they recall. Given that the purpose of this research is to discover from the offender's perspective the experiences that lead up to and precipitate an offence taking place, the emphasis on 'reporting everything that is recalled' is not so much aimed at detail that may help secure a conviction, but on reporting feelings and thoughts that may affect subsequent behaviour. Elements of the final two techniques, that is recounting events in different orders and from a variety of perspectives, were incorporated in the approach used in Zamble and Quinsey's timeline prompts. The first technique, that of reconstructing the personal context of the crime has been found to be particularly powerful (Geiselman et al., 1985). With the purpose of this research being to discover the existence of any evidence of decision making in the personal thought processes of the offender, this technique could be very useful. To properly gain a picture of the range of thoughts, feelings, and circumstances that affect an individual's behaviour, it is useful for this individual to recall as much of this as possible.

Reconstructing the personal context of an event is particularly important in this case as it provides an alternative to taking the offender physically back to the surroundings they were in when the offence took place in order to encourage recall. This physical approach has been taken by some criminological researchers. For example, Wright and Decker's (1994) research into burglars' decision-making employed this

methodology, escorting burglars back to the scene of their crime to recount their thoughts about the offence. This use of 'physical' context was not appropriate within the present research both for practical and ethical reasons. It would have been beyond the resources of the researcher to return individuals to the scene of their recent offence(s) and could have in many cases posed an unacceptable risk to both the researcher and the interviewee. In many cases, it would actually have been illegal to do so, many of the offenders being subject to an exclusion order which requires them to stay away from the area where their offences occurred. Additionally, where there were identified victims of the offences in question, it would be inappropriate to subject them to a revisit by the offender, even if just for research purposes.

The semi-structured interview format finally adopted was designed with previous research in this area in mind, and took account of the 'cognitive' techniques described here, and the similar 'timeline' approach employed by Zamble and Quinsey (1997). Offenders were led through the events leading up to their offence with emphasis on their own thoughts and feelings, right through the commission of the offence. After describing these events fully, offenders were taken backwards again through them, being prompted to consider what elements had led them to be in their particular position. Participants were also asked to describe their views on what happened next, after the event.

In addition to the interviews, focus groups were carried out as a secondary source of data. Two groups were planned, one with Probation professionals, and another with a group of offenders similar to, but separate from those who had taken part in the interviews. As suggested earlier, focus groups are a common bedfellow to interview methodology, and in this instance, they were conducted to add to the richness and variety

of the data collected from interview. All interviews were conducted one to one with the researcher, and the advantage of the focus groups in this case was the possibility of achieving data generated within a social context, in which the participants through discussion can share their views. It is the interaction between individuals in a focus group that generates data. Groups were designed particularly to obtain a number of participants who could all contribute to a theme, moderated by the researcher to keep the group 'on track' while remaining as much as possible in the background (Bloor et al., 2001).

Writers on qualitative methods tend to propose that focus groups work most efficiently with a sample size of between six and eight participants, (Krueger, 1995; Gilbert, 2001), though some researchers have suggested that larger groups of eight to twelve participants are appropriate. In this instance due to the sensitive nature of the topic under discussion the smaller group number was considered more appropriate (Gilbert, 2001). The offender focus group was conceived in order to examine within a more social setting, the perceptions of the participants regarding what led to their offending. The Probation professionals group was designed to assess whether, as experienced workers with the participant group, the staff group could offer any insights on their understanding of how an offender comes to offend.

Focus groups while being useful for obtaining data through interaction can have disadvantages. They are useful for identification of major themes within research, but not for analysis of subtle differences in viewpoints (Patton, 2002). They work better when the participants share a common value set or background, and do have risks for the participants. One of these risks is over disclosure – where a participant freely discusses information within the group, led by the dynamic, and later regrets sharing this

information (Morgan and Krueger, 1993). However, this factor was somewhat mitigated by obtaining participants for the offender focus group through their contact with the Probation Service. Before attending, they were made aware that the group was brought together to discuss offending, and therefore the participants were aware that all other attendees had similar experiences, which hopefully went some way to reducing any anxiety about the group.

Section 2.4: Further considerations and alternatives rejected

It is important to consider other qualitative methods that may have been appropriate to investigate the research questions posed within this study. The main potentially competing alternative was participant observation, which would have involved close contact with offenders over a prolonged period of time. While this method may have been useful in obtaining data about how offenders think, feel and experience circumstances leading up to an offence, it was impractical on many counts. The question of informed consent would have been an issue, if a true picture of the participant's thinking was to be obtained, and in order to interact naturally, it may have been necessary to conduct an observation without informed consent. The alternative (informing the participants) was possible, but may have led to adaptation of behaviour, and the participant subsequently identifying the researcher as a 'Probation Professional'. In many cases, the opportunity to conduct a participant observation would not have been available. While this method was adopted by Maruna (2001) by living within a bail hostel in Liverpool for one month, it was not practical or viable for a female researcher to live

within a male hostel, aside from risk and economic reasons. Apart from these practical considerations, it is thought by some researchers that ethnomethodological approaches (such as participant observation) which are designed to uncover the norms and assumptions that are made by the participants (Robson, 2001) tend therefore to be more useful for the study of group interaction. A picture can be gained of how the group creates a reality and 'way of thinking' for its members, rather than simply gaining a picture of an individual's viewpoint (Atkinson and Hammersley, 1994).

As the approach of this research was to gain offender perspectives, in their own words and with their own values, potential alternative methods such as surveying or case file analysis were too limited for the purposes of this study, and would not generate the detailed and potentially rich data that a qualitative approach could elicit.

The methodology chosen is not thought to be without its disadvantages. Interviews can be time consuming, and the transcription of detailed interviews even more so. It is estimated by Gillham (2005) that an hour long interview could take up to ten hours to transcribe when completed in detail. Interviews also pose the risk of the interviewees deliberately, or inadvertently misleading the interviewer by exaggeration, concealment or misdirection. This was certainly a consideration when dealing with a topic such as offending, where participants may have unconvicted offences, or be fearful of recrimination should they share information. Though, as suggested above, research suggests that self report information from offenders is generally reliable (Weis, 1986) a measure was put into place to try and verify the extent to which this took place.

Data were taken from the 'offence analysis' section of the Offender Assessment System (OASys: for more information on this system, see below) which is completed by the Probation Officer. The contents of this section were cross referenced with the description of the event as described by the participant offender, to investigate similarities reported in the time, place, offence type, and victim (if relevant). Though the 'offence analysis' section is brief, it was felt that in this regard at least, and where available (not all offenders are subject to assessment, see below) this method would supply a relatively economical and time efficient way of cross referencing and validating the offender responses for misrepresentation of the 'key elements' of the offence. In terms of the less 'concrete' aspects of the offending events and the factors that influence them, the participant's report of thoughts and feelings may be subject to 'neutralisation techniques' or a variety of after-the-event rationalisations to justify their behaviour (Matza, 1964). However, these are interesting in and of themselves, and do not necessarily disadvantage the research. As Sykes and Matza point out (1957) these rationalisations could in fact precede criminal behaviour, and be a factor in making it possible for the offender to commit the offence, or be *post hoc* rationalisations. Hirschi (1971) suggests that both of these instances may occur, and are therefore relevant to this research.

Another major criticism of interviews in which participants are asked to report retrospectively on events is the possibility of failed recall. Measures were taken to try and overcome this disadvantage as much as possible by incorporating some of the established 'memory jogging' techniques utilised by the set of approaches commonly called the 'cognitive interview' as described above. While this approach cannot claim to be

foolproof, it may go some way towards mitigating this issue. It is recognised however that failure or bias of recall could still be a problem.

Aside from the known methodological disadvantages of the approaches chosen, other issues were taken into account when conducting the research. The first of these was the researcher's position not only as a research student for the University of Liverpool, but also as a full time employee of Merseyside Probation Service, which was the body supervising the community portion of all participants' sentences. This potentially had an impact on the participants' willingness to share information by raising concerns about confidentiality. Rather than mislead participants about the researcher's employment status in order to reduce this effect, this information was shared openly and honestly with the participants. Confidentiality was assured to the participant. Of course, the concern over how far an offender believes assurances of confidentiality is an issue for all research that uses convicted offenders as the research source. This is particularly an issue for offenders currently in custody, as there is always a concern that any information shared could affect their release (Wright and Decker, 1994). As all of the subjects of this study were already in the community, release was not an issue, but participants may still have been wary of information being fed back to their Probation Officer (such as certain details of an offence) that they had not previously disclosed. The only recourse in response to this is to give assurances of confidentiality, and to explain in depth what this means. Participants were informed how the interview recordings would be stored, how anonymous coding would be applied, how transcripts would be used, and how any personal data would be anonymised and stored securely, and finally, who would have access to this data.

Section 2.5: Researcher specific issues

Other considerations made in advance of carrying out the research centred around the characteristics of the researcher, and the potential impact these may have on the participants themselves, and their willingness to co-operate. Discussed above is the issue of the researcher's employment, which was mitigated by an honest discussion of confidentiality procedure. An additional factor was the fact that many of the participating offenders were male, and the researcher female. While this was a factor that could not be changed, it was a consideration when approaching an interview. In many cases offenders will be supervised by a female Probation Officer, so this fact did not cause too much concern. In terms of developing a rapport with the offender, the researcher was careful to approach the interviews in a relaxed manner, and dressed casually to minimise any class or educational barriers that the interviewees may have perceived. Interview questions were reviewed for language content that may seem too 'official' to the participants and the wording of these questions and of the approach taken in the introduction of the researcher was modified based on previous experience of working successfully with offenders in a group work format. The accent of the researcher, being born in Liverpool has in the past become an issue when working with offenders from neighbouring Manchester, due to rivalries between the cities. However, as many of the participants were from Liverpool themselves, and the remainder had been living in Liverpool for some time, this local accent could have been regarded as an advantage for establishing rapport.

Section 2.6: Sampling

The sampling of participants for interview was designed along the Grounded Theory principle that the sampling process should be aimed as theory development, therefore the participants recruited must be those with the experiences that can inform the research. In this case, the target population in question would be those with offending experience. To achieve this, the interview participants were recruited using a 'snowball' sampling technique in which one participant within the potential target population agrees to participate, and then is asked by the researcher to put them in touch with other individuals in the same population (May, 1999). Initial contacts were made by approaching Probation Officers across Merseyside and asking them in turn to approach the individuals under their supervision. A request for participants was sent to Probation Officers outlining the purposes of the research, what offenders would be required to do, approximately how long it would take and the fee payable². It was proposed that to cause the least inconvenience to the volunteers they would be interviewed at their usual Probation Office, that is, the office at which they attend for regular supervision, at a time that was convenient for them. An interview room would be booked for the purpose.

Nine individuals agreed to participate through this route, but unfortunately after travelling to the agreed location only three of these individuals actually attended the appointment. Further attempts were made to secure further volunteers or rearrange with the non-attendees, but with a similar result. An additional difficulty was that all of the individuals volunteering through this route were male, and as stated in Chapter One, it

² Fee payable was £5 in cash.

was intended that a larger than usual cohort of female offenders should be recruited to the study.

One Probation Officer suggested that as the volunteer he/she had recruited was residing in an Approved Premises (Hostel) on a temporary basis, that an interview carried out within that facility would be convenient. This was a successful interview, and the facilities were such that an interview suite was booked there on set days of the week. This method proved much more successful, and all of the subsequent male volunteers were interviewed in this way. The Approved Premises provided a safe interview environment, with panic system, washroom facilities and refreshments, and trained staff were on site to deal with any incidents or illness.

The research was then able to proceed using the 'snowball' method as originally envisaged, with offenders taking part then introducing other participants through word of mouth. Further volunteers were recruited by individuals who had taken part in the research, by their contact through other activities within the Probation Service. This 'snowball' sampling technique is very similar to that utilised by Wright and Decker (1994). Wright and Decker began by establishing an initial contact, in their case an ex-offender who had become known to them through prior study, who was able to provide a small number of participants, who in turn passed on the contacts of more participants. In this way, the sample expanded until large enough to become viable. Wright and Decker deliberately did not use an official Criminal Justice contact as they did not want to dissuade offenders from taking part (since in the city of St.Louis where they worked, there was a lot of news coverage at the time of 'sting operations'). However, within this particular research this approach was taken for several reasons. It was of course

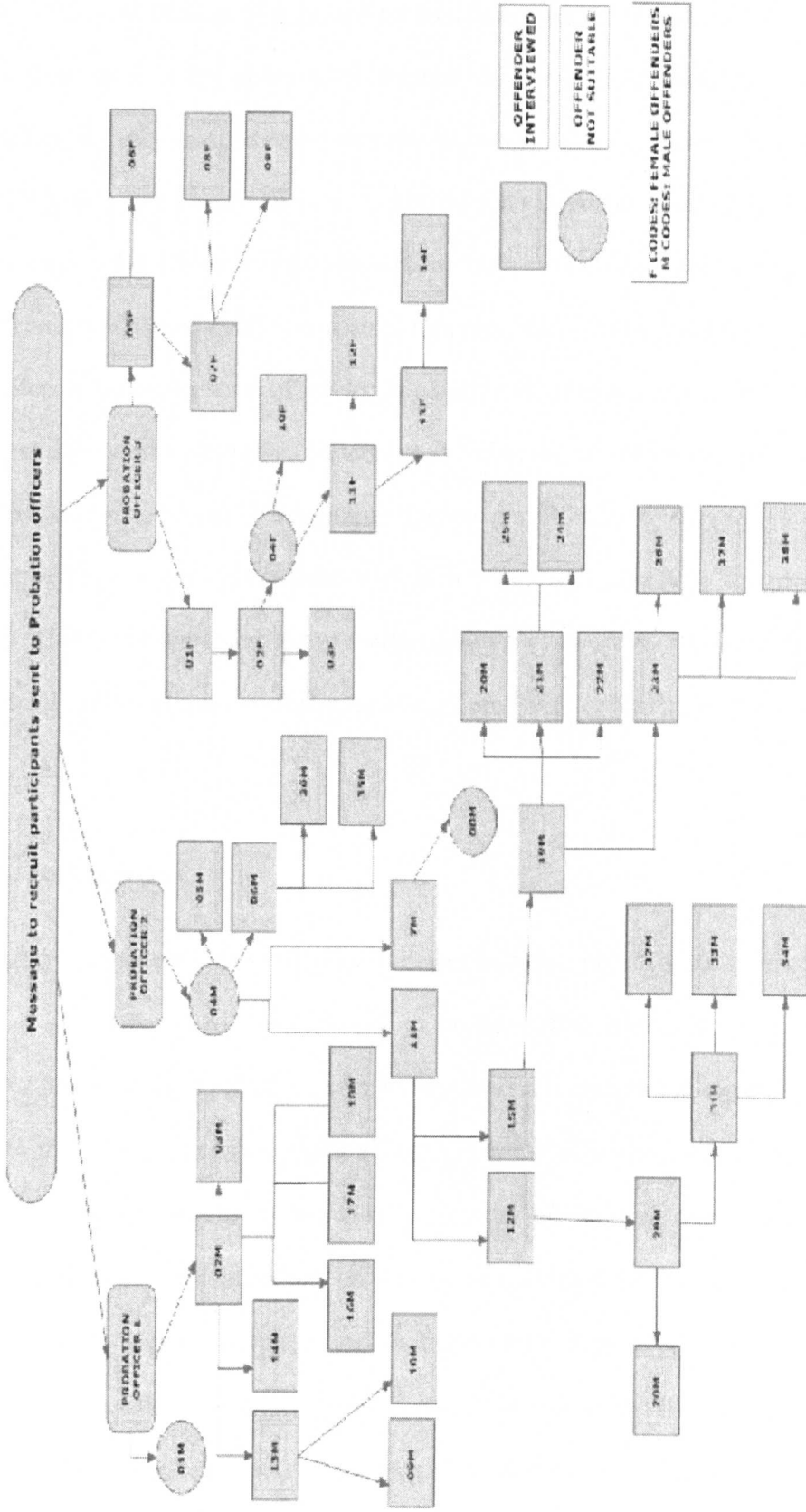
convenient and relatively quick to obtain the initial contacts through members of Probation staff, and also due to the fact that no suitable 'non official' contacts were held by the researcher, and therefore would have to be located in the same way as the rest of the participants. It is not unusual in studies of crime to begin a sampling approach by using an official source person who has contact with criminals. As McCall (1978) points out, a chain of referrals must be built by contacting a particular population, by approaching the person you know that is closest to the population you are looking for. In this case, an experienced Probation Officer is an ideal starting point.

In total, three Probation Officers provided suitable contact details, which led to a total of five initial interviews. From these initial five interviews, referrals were made offender to offender. The referral networks were gender- homogenised, in that men only referred other males and females only referred other female offenders. This is likely to be due to the way that offenders attend groups and programmes within Probation, in that women offenders often have a choice of specialist female only groups, and being in the minority of the offending caseload, therefore do tend to know each other. This is a conventional arrangement and one widely regarded as acceptable (i.e., preferable to mixing a minority of women in larger groups of male offenders). A diagram of the referral map can be seen in Figure 2.1. Further details on the participants can be seen in the results chapter. From all of the individuals who volunteered for the research, it was deemed by the researcher or those Probation staff in attendance at the interview site that four of the individuals were not suitable to subsequently be interviewed. Reasons for this are shown below in Table 2.1 below.

Table 2.1

Offender code	Reason not suitable for interview
01M	Offender intoxicated
04M	Offender under the influence of illegal substance
08M	Offender agitated after fight with another offender, and therefore risk to staff was increased
04F	Offender intoxicated

Figure 2.1



While this methodological approach produced a successful sample in terms of numbers of participants in this instance, this method can also have its disadvantages. Snowball sampling, because it relies on person to person introductions, can tend to produce samples with homogenous attributes (Lee, 1993). Within a population such as this, however, that was the aim, in that all participants should have been convicted of at least one prior offence and a certain homogeneity was desired (Morgan, 2004). While homogeneity did appear to affect sampling in terms of gender (the women referred women, and the men referred men) there were no observed patterns recorded as regards ethnicity, age or other characteristics that were biased by the sampling technique. Of the total sample, 7% of the interviewees had previously classified themselves as being from a Black or Minority Ethnic background. This is in comparison to an average caseload composition within Merseyside of 6.2% of current offenders being classified as being from Black or Minority Ethnic origin.

Section 2.7: Participants

Interviews were carried out with 46 participants. All participants had been convicted of at least one prior offence. All participants were resident within Merseyside at the time of the study. All the individuals participating in the study were under current supervision of some type by the Probation Service, either a Community Order, or the post release Licence portion of a custody sentence. Offenders were not directly asked if they were currently 'active' (i.e. engaged in criminal activity on an ongoing basis) but this information was volunteered freely by many. Others indicated that while they were not currently 'active' this constituted a 'break' rather than a long-term or permanent desistance. The concept of an 'ex-offender' is a difficult one to define. As Maruna (2001) states, desistance, or quitting crime, while once defined as a final decision in time, (before which the individual is involved in

crime, and after which, they are not), is now seen as a process that occurs gradually over time, and it is not possible to easily define somebody as an 'ex offender'. Likewise, while many of the individuals interviewed here expressed that they were not currently offending, none stated emphatically that they would definitely never do so again. Maruna's conception of desistance as a 'maintenance' process, with the possibility of relapse, is a useful concept when considering offenders' statements as to their intention to re-offend or otherwise.

Demographic information on the participants is presented in Chapter Three, Section One. All participants taking part in the research were offered a low level of remuneration for their time, a payment of five pounds in cash on completion of their interview. Interview participants were not however paid travel expenses to attend the interview.

Section 2.8: Procedure

Section 2.8.1: Interviews

Once a participant had been introduced to the research by an acquaintance, they were asked to book in a time with the interview room by contacting the researcher directly. In many cases, this was done face to face after the completion of prior interviews on site, and only in the initial stages of the research did participants have to actively contact the researcher. Those participants referring other volunteers generally indicated a time that their contact would be able to attend, and these were then fixed and communicated through the original contact.

The interview rooms booked were, with the exception of the first three interviews, located in Probation Service run hostels. Residence at the hostel was not required. The hostel based interview rooms had several advantages for the participants. The rooms were spacious

and comfortable, with comfortable furniture and equipped with fan or air conditioning and heating. There were WC facilities and refreshments facilities available, and though complete privacy was possible in that the content of the interview was not audible, the existence of a viewing window and panic alarm system ensured that risks posed by anxious or potentially dangerous offenders were minimised. There were experienced staff on site should an offender become distressed or ill. The hostel locations were easy to find on public transport, and did not dissuade participants from attending as may have occurred should they be attending a non Probation building where they may be singled out as an offender. Male offenders were interviewed at a men only hostel, and female offenders at a female only hostel.

On arrival, volunteers were offered refreshment and allowed to settle and become comfortable. The researcher introduced the study, and explained what would take place. The participant was taken through the information sheet and the confidentiality agreement and given the opportunity to ask any questions. In most cases, there were no further questions, but several participants asked to confirm that they would be remunerated, and two asked how long the interview would take. Interviewees were informed of the researcher's employment status with the Probation Service but it was explained that this particular work was for personal study under the supervision of Liverpool University. Individuals were then asked to sign to say they understood what they were being asked to do. Permission was sought to record the interview digitally; all individuals consented.

Interviews were recorded using a digital Dictaphone device, which assigned a file code to each recording, ascending numerically. These recording codes were stored in two digital folders, labelled A and B, with the first containing interviews with males and the second with females. The automatically recorded codes assigned by the recording device were used as the basis of the participant coding system to ensure anonymity, with a numeric code, followed by A or B (later changed to M for male or F for female for ease of analysis).

In this way, it was possible to record the transcripts independently of holding any personal information on tape. Codes were recorded against offender names on a secure file on a laptop, for which both the file and the laptop itself were password protected. The digital recordings were also stored in this way, and deleted from the recording device. Offender names were not held in any other location, and this file was used only to match the participant with their other information, specifically any OASys data held on them. In any other location where data were held, either electronically or in hard copy, the participant was identified only by their code number.

Interviews took on average one to one and a half hours. Several interviews were longer, the longest taking just over two hours. Three were shorter, at approximately forty five minutes each. The interviews with female offenders tended to be longer.

Table 2.2: Interview time in minutes

	Minimum	Maximum	Average
Male	45	125	81
Female	58	130	103

Section 2.8.2: Focus groups

Staff

Participants for the Probation professionals focus groups were invited by email to attend at the headquarters of the organisation on a given date and time, for which a conference room had been booked. More than twenty staff were invited, selected for their varying experiences in working with offenders. Participants were sought from both gender groups, a range of ethnic backgrounds, and a range of ages. Seven staff responded positively, and subsequently attended on the day. Of these seven staff, six were female, and one male, which was representative of the gender split in Probation Officer and Probation Service Officer staff within Merseyside Probation. All staff participating had a minimum of two years' experience of working with offenders. Ranges of expertise covered working in hostels, working with long term prisoners on release, working with offenders in custody, working with community sentences and Unpaid Work.

Participants were welcomed and thanked for taking part. Refreshments were distributed. Participants were introduced to the study and its purpose, before being taken through the information sheet and asked to sign a statement of agreement to take part. Although this was a staff group, the focus group 'rule' was established that any opinion or information shared with the group should be respected, and should not be discussed outside of the focus group.

Group members were then led through a series of standard prompts by the researcher, allowing discussion to flow naturally. Within this group, only one prompt was necessary to return the group to the topic at hand, and other areas from the prompt sheet were covered naturally.

The group proceedings were recorded using a digital Dictaphone, the recording of which was stored securely in a password protected file and subsequently deleted from the recording device. Participants in the group were given a code number to denote identity, and an M or F to denote gender. These codes were subsequently used for any transcription or analysis.

Offenders

Participants for this group were recruited using the method originally used to recruit the initial contacts for interviews. Senior Probation Officers in the Liverpool Area were informed of my research, and asked to let their team members know that I was recruiting offenders for a focus group. The purpose, approximate length and format of the group was communicated. Probation Officers then spoke to offenders reporting to them to ask if they would like to take part. The only criterion for inclusion in the group was that offenders had not previously been interviewed for this study, and like the interviewees, has committed and been convicted of at least one prior offence. Agreement was obtained from ten participants to attend the group, and a group room was booked for the purpose in a central Liverpool Probation office. Unfortunately, no participants arrived on the day. The room was rebooked for the following week at a slightly later time, on the advice of one member of Probation staff. Again, ten participants indicated their willingness to attend, and in this instance six participants arrived and consented to take part. Participants were introduced to the researcher, and the purpose of the research was explained. The participants were taken through the information sheet and consent form, and all signed to agree to take part. The group members were introduced to the topic using the standard list of prompts developed for this purpose. The discussion did not stray away from the topic at hand, but the researcher did use prompts from the standard sheet as necessary.

The discussion was recorded on a digital Dictaphone device with permission, and the files were stored and anonymised in the same way as that described above. Unlike the offender interviews, funds were not available to remunerate the offenders for their time, but this was made clear at the outset.

Section 2.9: Data analysis

Digital recordings were stored securely on a laptop computer without any record of participant names. Files were subsequently deleted from the mobile device. Recordings were transcribed by hand by the author. Transcripts were made at first in long hand, and subsequently entered into a word processing package. Although this process is time consuming, the process was undertaken by the author rather than with employment of outside help in order to promote a close familiarity with the data, and also to ensure that all transcripts were recorded verbatim, in order to maintain the richness of data from interviewees contained within them. All interviews were transcribed before any further analysis took place. These transcripts were loaded into the NVIVO qualitative data analysis package for analysis. Once transcripts were loaded into the NVIVO software, at the initial stage, before any coding was done, documents were assigned properties within the software. Each document was categorised as male or female, and as an acquisitive or non-acquisitive offender, based on the offence type that the offender had discussed as their 'main' offence or type of offence. These categories were assigned manually by the researcher, and assigned the appropriate category label in NVIVO. The only other category label applied to the documents was gender.

It is worth noting that although the qualitative data software NVIVO has within it some sophisticated analysis techniques, for the purposes of this research, NVIVO was

employed as a data organisation and categorisation tool, rather than utilising any of the analysis functions within the software. Use of the software was limited to recording text at nodes, and to categorising notes into 'trees' or file structures. Reports of node content were printed, and any subsequent analysis was done manually by the researcher.

Section 2.9.1: Data Coding

As described earlier in this section, Grounded Theory was used as a basis for the data collection and data analysis of both the interview and focus group narratives. To summarise, Grounded Theory prescribes an emergent rather than hypothesis testing approach, which emphasises the interaction between the researcher and the data, building on meaning and themes within the data to facilitate theory development (Patton, 2002). Grounded Theory was felt to be advantageous to the research questions at hand due to its preference to inductive, hypothesis generation rather than the testing of an existing hypothesis (Glaser and Strauss, 1967).

As discussed, within this study Grounded Theory was adopted as a set of methodological principles rather than as a theoretical approach. These methodological principles guided the specific methods utilised in undertaking the study, and the sampling, and also coding and analysis of the data.

One of these principles is that analytic codes and categories should emerge from the data. Within this study, concepts were not prescribed prior to coding the data, and instead were noted as meaning emerged. As stated, the only advance categories created pertained to gender and offence category. Further nodes were created based on interpretive reading of the data, informed by the research questions and previous literature. In order to build these nodes,

half of these interview transcripts were read and re-read in order to promote a further strong familiarity with the data. This half sample was selected randomly, while attempting to ensure that transcripts from both genders and offence categories were present. The data in this half sample were worked through at a basic level, creating descriptive nodes that used a participant defined naming system (e.g. fear). Working through this data, ideas and concepts in basic nodes could be compared between transcripts to illustrate contrasts and agreements. This was followed by a repeat of this exercise, using the same transcripts this time attempting to create categorical nodes that encapsulated meaning. This method of coding develops 'free' nodes in the data, before beginning to build these up into 'trees' or 'patterns' as recommended by Robson (2001). These two stages of coding represent the first two steps in what Wolcott (1992) suggests are the three stages of analysis of this type. The first two stages, as described, are *thinking* (reading through the data over again and coding descriptive items) and the *categorising stage* (coding meaning as it appears to take place). The final stage in Wolcott's trio is the *progressing focussed stage* in which categories are tested and added to.

Once the first portion of the data was coded, and repeatedly re-read until it appeared that, as Maruna (2001) would advise, the data had been coded to 'saturation point' the same developed nodes were applied to the second half of the data. This comparison of concepts emerging from the first half of the data and the second half of the data is also consistent with the Grounded Theory principle of constant comparison, making comparisons in themes and concepts even while coding the data. In doing this, the nodes, both descriptive and categorical could be tested against fresh data. In most cases nodes were added to and refined, and in some cases new nodes added to cover the data.

While coding the data, is it important to be aware that although every attempt was made to code 'in vivo' it was inevitable that in examining the data within the framework of a

research question, there was certainly an element of analytic induction when coding the data. Though the researcher was aware of the potential influence of pre-existing areas of interest in evidence of decision making, it was not the case that the data were coded simply in an effort to verify or refute any prior propositions made. As stated, an initial effort was made to code the first half of the data 'in vivo' that is, recording and coding elements within the text that seemed important, regardless of their fit or relevance to the pre-conceived schematics. During a pilot of coding the first half of the data, nodes were recorded in as emic a fashion as possible, that is, that names of nodes were assigned based on what appeared to be meaningful to the interviewee, not the observer. Naming of nodes was designed to record the actual references of the offender, rather than any grouping of ideas or concepts. In addition, memo notes were made during the process of reading through transcripts, to record researcher thoughts on what was being said.

When nodes were linked to places in the text, every effort was made to ensure that the relevant comments were captured with relevant surrounding context. This was done to ensure that as ideas and patterns developed from the data, they reflected what the participants were saying, and were not ideas imposed by the researcher. The balance between using the data to search for evidence in light of the research question, and using the data to capture points of importance for the offender can be expressed as the difference between 'indigenous' and 'sensitising' concepts. The former are ideas referred to or defined by the participant while the latter are those to which the researcher is alerted through previous literature or research (Patton, 2002). Both of these are valid concepts to use in this kind of analysis and provide a useful framework to ensure that the data are analysed for the purpose to which they were collected, without losing the unique voice of the interviewee, should the 'sensitising concepts' be misleading. This approach would not be considered as a true 'grounded' approach by many researchers, containing as it does an element of deductive analysis:

“Anytime that a researcher derives a hypotheses from data, because it involves interpretation, we consider that to be a deductive process” (Strauss and Corbin, 1998, p.22)

However, it can be asserted that given this departure from pure ‘grounded’ analysis, this approach could be described as ‘grounded theorising’ in that both inductive and deductive processes took place, without the analysis becoming prematurely fixed in the vein of analytic induction. It was kept in mind throughout this process that while there were preliminary ‘concepts’ related to rationality in existence, gained from previous research, that these concepts - planning for example - may also be used by the offenders interviewed, but not necessarily mean the same thing as might have been envisaged by the researcher. In approaching the data no predefined coding system was used. Instead, nodes were developed with awareness and interest in both indigenous and sensitising concepts, and again, context was maintained surrounding coded text in order that supporting text should be available to a reader to enable him or her to assess to what extent the categorical coding, or concepts extracted from the data, were meaningful.

Section 2.9.2: Data Validation

Subsequent to applying the developed nodes to the second half of the data, and reaching the ‘saturation point’ in a manner similar to that described by Maruna (2001), the transcripts were read afresh, to re-examine the codings applied to them, and to check that the evidence within each node appeared to converge. The data were checked for internal homogeneity; that is, simply put, that the evidence within each node held together and made sense, and also for external heterogeneity to ensure that where categories were assigned that

these categories were clear and not overlapping. Where this was found to be the case, categories were more clearly defined, and the differences made explicit.

The verification of concepts and ideas emerging from the data can be attempted by subsequent re-examination as described above, but it is in fact a feature of the Grounded Theory approach that sample sizes are usually expected to be small so that 'saturation' can be achieved (Charmaz, 2010). Glaser (2002) does describe a means of achieving verification and validation by looking at many cases, which somewhat contrasts with the emphasis on small samples and saturation. Within this study the sample was varied and of a reasonable size, which did enable the testing of concepts and nodes across a wider range of data.

While data coded from the results of this study could not claim to be independent of the researcher undertaking the analysis, efforts were made to recognise preconceptions and expectations that might exist in the mind of the researcher, so that these did not knowingly affect the coding and analysis of the results. It was recognised prior to conducting the research that preconceptions may have been created through previous experiences and reading of literature, and at each stage within the analysis the researcher engaged within a reflexive process to try and ensure that the concepts being coded were representative of the participant viewpoint and not based on the expectations of the researcher.

Section 2.9.3: Summary of interview data analysis

This study undertook in-depth interviews and focus groups with offending individuals in order to explore the existence of evidence for a 'rational decision' to commit an offence, and to explore which factors may influence an individual in making such a decision. In order to do this, participant transcripts were subject to analysis following principles taken from

Grounded Theory, particularly the principle of constructing concepts from the data. This approach was taken as although the Rational Choice Theory of offender decision making is an established theory, one of the purposes of this study was to identify evidence of decision making and influencing factors from the offenders' own viewpoint rather than those prescribed within previous literature, in order to investigate a commonality, or otherwise of decision making that is valid for a range of participants. Additionally, it was hoped that constructs emerging from this analysis were able to be developed into theoretical concepts that build on, or provide an alternative for Rational Choice Theory. Therefore, the Grounded Theory principles applied to this research were designed to supplement existing theory, without being prescribed by previous findings, to give the opportunity for new concepts and ideas to emerge from the participant experience, free from the offence or offender specific approach adopted in many previous Rational Choice studies of crime.

Section 2.9.4: Offender Assessment System Data (OASys)

In addition to the information collected through interview, data were taken from the Offender Assessment System (OASys) used by the Service to assess offender's needs and risk of harm to themselves and to others.

The OASys system is a standard assessment, recording and monitoring process developed with the National Probation Service and the Prison Service, which aims to improve risk assessment and assessment of need for offenders. It does this by imposing a structured, research-led format, which has been in use within the Probation Service since late 2004. Comparing individuals with a large-scale Ministry of Justice database, OASys is employed to assess how likely an offender is to re-offend with a two-year period, to identify the nature and extent of offending-related need, and to assess risk of harm. The system achieves this by

asking a series of questions about the offender him- or herself, and about his or her offending history (in a section which the Probation Officer completes). Factors included in the assessment are accommodation, employment, financial management, lifestyle, relationships, drugs/alcohol and thinking/attitudes. One section within the OASys assessment, the '*offence analysis*' section, contains a description of how the offence happened as recorded by the Probation Officer. Data from this section were obtained wherever available for the individuals included in this study. It is important to note that not all participants were expected to have a valid OASys assessment. The main reason behind this is that not all offenders are assessed, and depending on the nature of the offence or the assessed risk of harm of the offender, the individual may never be made subject to this assessment. Information on how many individuals had a set of OASys data can be found under the relevant subheading in Chapter Four. However, wherever available the main purpose of this data analysis was to verify the validity of the offender narrative as to the Probation Officer's formal reports of the offence, where these are defined as

- Where and when it happened,
- Who else may have been involved,
- The nature of the offence, and the target of the offence (if material or non material),
- Any identified victim,
- Any quantifiable events, such as the timing of Police arrival etc.

To this end the 'facts' of the offence as recorded in this section were entered into a table, alongside which the 'facts' of the offence as described by the offender were recorded in order to examine the extent to which the accounts matched.

In order to fully utilise the data collected in this way, and also to compare the themes that were emerging from the Probation Officer's apparent understanding of the events surrounding the offence, and what they had understood to be the corresponding offender's thought process, these data were also entered into NVIVO for each offender who had a valid assessment. These data were subjected to the same analysis as that coming from the interviews, in order to gain a picture of the offences that had occurred from an alternative point of view. The same codings were applied, and the same categories investigated in order to investigate congruence between the two accounts. The results of this analysis are presented in Chapter 4.

Section 2.9.5: Focus Groups

Recordings of focus group discussions were stored in the same way as recorded interviews, and also transcribed long hand before being typed using a word processing programme. Participants were referred to in the written transcripts by codes as described earlier. These transcripts were loaded into the NVIVO software for analysis. For the offender discussion, the data were coded using the established nodes previously developed from the interview data, taking care to ensure the nodes fitted the data rather than the other way around. The nodes, both descriptive and categorical, were found to be sufficient to cover the data generated from this discussion, though the discussion in general was far more weighted to the broad category of 'outcomes' than the interview data.

For the Probation professionals group, the transcript was likewise loaded into NVIVO for analysis. Once again, the pre defined nodes were applied, with an allowed flexibility for the creation of new nodes both descriptive and categorical. Again for the most part, these nodes covered the points made in the data but several new nodes were added, including a

categorical node concerning the gender divide in offending, a category that had occurred within the interview data as a researcher defined concept, which was also now being discussed directly by participants.

A review of the findings of the focus groups component of the study can be found in the relevant subsection of Chapter Five.

Section 2.10: Ethical issues

In conducting any research project there are ethical implications to consider, and in conducting a qualitative investigation entailing direct, face-to-face contact with participants these considerations become more important. It is the responsibility of the researcher in these circumstances to ensure that a code of principles for ethical conduct is adhered to (Reynolds, 1979), and many professional associations provide a framework of considerations for researchers. This section will outline the deliberations undertaken in regard to both procedural ethics, and ethics in practice (Guillemin and Gillham, 2004) with reference to relevant literature and debate.

Procedural ethics

Within this study, the general framework adopted was that proposed by the British Society of Criminology, available on their website (<http://www.britsocrim.org/codeofethics.htm>) and the handling of information was also bound by the Data Protection act 1998.

As an employee of the National Probation Service the researcher was also bound by a professional code of conduct. This code of conduct requires a commitment to equal opportunities, for fair and un-biased treatment of all people and for staff to act with integrity

within the boundaries of their expertise. These legal, and moral, requirements were adhered to during the course of this research at all times. In addition, the British Psychological Society Code of Ethics for Researchers was adhered to within the execution of this study (http://www.bps.org.uk/the-society/code-of-conduct/code-of-conduct_home.cfm).

In the academic year of 2007/8 the University of Liverpool introduced a Committee of Research Ethics, known as CORE, which was tasked with review and ethical approval of all research being done by students of the University. This committee was established after the data collection phase of this thesis was completed, and as such the research design did not pass through the committee. However, the care taken to ensure that ethical guidelines were met, and that participants were fully protected from harm were, in retrospect, more than sufficient to satisfy the rigour of such a review of methodology. These measures are outlined below.

Ethical approval was sought and obtained from the Merseyside Probation Service (as it was known then) and this was conferred on the researcher by the Assistant Chief Officer in charge of research, as a delegated responsible officer of the Chief Executive. This research approval allowed access to contact individuals under the supervision of Probation, and to access the information held on these individuals subject to the usual employee confidentiality procedures, and the adequate processing and storage of the research data. These considerations and the general legal considerations of the 1998 Data Protection Act on the collection and storage of data were adhered to.

Ethics in Practice

Aside from the legislative and professional boundaries and guidelines affecting the consideration of ethical issues, the conduct of qualitative research is viewed as many practitioners as necessitating a 'moral practice' (Mason, 2002) and this can be exacerbated

when researching sensitive issues such as crime. The ethical principles requiring confidentiality for participants, and that of causing no harm can in many cases for crime researchers be contradictory (Crow and Semmens, 2008). This dilemma needs to be carefully thought through when dealing with individuals who may disclose information relating to risk of harm to themselves, or to others, and any decisions taken communicated effectively to the participant.

Ethical considerations and decisions taken are presented below, using, for clarity, a framework of ethical issues adapted from Patton (2002).

Purpose of study

The purpose of the study was set out in a participant information sheet for both interview and focus group participants. Care was taken to write this information sheet using non technical language without jargon. This information sheet described the nature of the study, the types of questions that may be asked, and held some information about the researcher. As stated above, the researcher was employed by the Probation Service, and this was explained to the participants. It was recognised that this information may have potentially dissuaded the participants from being able to speak freely, but on ethical grounds it was considered essential to make it known to them. It was not the experience of the researcher that this information did in any way dissuade the participants from engaging in the process. Participants were reassured that they could withdraw from the study at any time for any reason without explanation.

Recipricocity

It was explained to the participants that the experiences they shared would feed into a large study which gathered together the experiences of lots of individuals, and together, this

information would inform a piece of research into how offending decisions are made. Many of the participants expressed their satisfaction that they had the opportunity to contribute, and felt that opportunities such as that should be more frequent. It is understood that by using an interviewee's experiences for research purposes, the participants are, to some extent, being exploited for what they can offer the researcher (Eisner, 1991). In order to recompense for this in a small way, interview participants were offered a small fee for taking part. Martin (2000) points out that many individuals will not participate in research unless there is some benefit in it for them, terming this the 'research bargain'. However this interviewee benefit does not have to be purely economic. As stated above many of the participants expressed their satisfaction at being able to contribute their experiences. Other benefits to research participants have been listed as altruism, personal satisfaction such as curiosity, and the opportunity to solve problems and improve services (Fry and Dwyer, 2001). Martin (2000) also suggests that for interviewees such as prison inmates, the chance to talk freely to a researcher unknown to them may make a diverting change from the usual routine.

The payment of fees to participants in research investigating crime-related matters is not unusual, but it is controversial (Davies, 2000; Hobbs, 2001). However, there are many examples of fees being paid in centrally funded projects, for example, a study of drug users funded by the Home Office Drug & Alcohol Unit (Noaks and Wincup, 2004). Given that these participants were sought out particularly for the experiences they could offer to the research, and if these experiences were for example experiences of health care, it would not be controversial to offer recompense for the time they had taken to participate. From this point of view, it could be argued as unethical if payment were not to be made to one group (offenders) for their experiences when it would be offered to others (Seddon, 2005).

In this instance, the fee of five pounds was offered as a compensation for the time the individual had taken to travel to the interview site and take part in the interview. There is

always a concern that participants who have received a fee will bias their responses to reflect what they feel the researcher wants to hear (McKeganey, 2001). In this case, it was explained that this fee was not as recompense for particular responses to questions, but for their time. Participants were informed during the process of initial discussion after arriving for interview, that they would still receive payment, even after refusing to sign the consent form and subsequently not taking part in the study. All offenders were happy to continue with the study, and no individual took this opportunity to step down as a participant. Those individuals who did travel to take part in the interview but were denied permission to take part in the study (due to intoxication etc., see above) were not paid, but were invited to return and take part on another day.

There is no doubt that a small payment does increase response rates to participate in research (Patton, 2002), but it raises questions about the motivation of the participants to take part. This is particularly pertinent a debate when dealing with individuals subject to statutory supervision based on conviction for a criminal activity, as payment of such a fee could be interpreted as a benefit coming from that offence. However, the participants within this study were chosen for their experiences, which formed the basis of the study, and as stated above, the interviews were at a minimum approximately forty-five minutes long, and in many cases an hour and a half or longer, and individuals also had to travel, at their own expense, to the interview location. Interviewees did not receive any other benefit to their Community Order or License (such as a reduction in appointment numbers etc) and all interviews were undertaken at times when they had no Probation supervision obligations. From this point of view, the minimal compensation of five pounds for an individual's time was considered appropriate. In several cases, the individuals interviewed said they would have taken part without this incentive, but as one participant put it, it was nice "...to be appreciated" (offender code 01F).

Other participants pointed out that if they were motivated by obtaining money they would have

“Gone on the graft and made more than ten times in the same time” (offender code 14M).

While it may be accepted that payment of a large sum of money for research participation may induce individuals to participate where they would not usually do so (Noaks and Wincup, 2004) payment of a small amount would not offer the same incentive. The payment of fees in voucher form was considered, but rejected for practical reasons. Vouchers would have been difficult to target correctly for the range of individuals taking part – finding a voucher type that would be suitable for all may have been impossible.

Focus group participants were not offered a cash payment for taking part. This was not due to any reason other than research funds would not allow it. Instead, focus group participants received free refreshments. It was not expected that offering a fee to interviewees but not to focus group attendants would alter responses made in any way. In either case, the participants did not have any demand characteristics that would influence them to respond in particular way. Participants were not informed of any explicit hypothesis for the study, and were simply asked about their experiences.

Risk assessment

There is always an element of risk for both the participant and the researcher when engaging in this type of work. Craig et al. (2000) specify particular types of risk to both parties, including risk of physical threat, risk of psychological trauma or consequences and risk of ending up in a compromising situation. Steps were taken to try and ameliorate all of these different risks during the course of this study. Interviews were held in a large

comfortable group room that was installed with a panic button system, so that an alarm could attract the attention of nearby staff should the threat of violence present itself from the interviewee, or anyone else. In addition, the room had a window onto the main reception area, which guarded against accusations of improper conduct on either side. There was a CCTV facility, but this was switched off after consideration of the confidentiality aspects of the interview – as it recorded sound. Trained Probation staff were within calling distance within the building, and were available to assist if the interviewee became distressed or ill. There was also a first-aider on the premises. Interviewees who attended for interview visibly under the influence of drink or drugs were asked to leave rather than take part, and were invited to return on another occasion. All individuals concerned accepted this refusal without adverse reaction, though none subsequently returned for interview. Focus groups were undertaken in a similar room, in similar circumstances with staff within calling distance and a panic system installed.

In terms of risk to either party outside the actual interview or focus group, there were some considerations to be made. There was a small risk to the researcher that potential participants, knowing when the researcher was to arrive at the interview whilst carrying cash, may target the researcher for theft or robbery. This was mitigated as there was only a small amount of cash carried even on the journey to the interviews. As the interviews were fairly lengthy, the average number achievable in one day was four or five which represented a small amount of money.

In addition, the potential for psychological disquiet was a risk for the participants. Although participants knew in advance what they were to be asked about, it is still possible that reliving the thoughts and feelings from an earlier point in their lives may leave an individual feeling upset at the end of an interview. As Patton (2002, p.405) says

“Interviews are interventions – they affect people.”

Care was taken in the construction of an interview or focus group to ensure that the topic of discussion returned to ‘neutral’ and that a participant had reached ‘equilibrium’ before leaving (Noaks and Wincup, 2004). Care was also taken by the researcher to ensure that personal support was available should the accounts of the participants be difficult to listen to, a process Liebling and Stanko (2001) call ‘emotional management’.

Confidentiality

Interviewees were given an assurance of confidentiality during the initial part of the interview in which the purpose of the study was explained (see above). Participants were assured that their interview material would be stored without personal identifiers, and an anonymous coding system would be used to protect their identities. The limits of confidentiality were determined in advance, and made clear to the participants. The confidentiality promise that was given assured all participants (of both focus groups and interviews) that their identities and experiences would be protected. Their names would not be recorded against any material written or electronic, and only the researcher would have access to their identity. It was explained that the content of their narratives and discussion would be used to find out more about what experiences an individual has of offending, and that excerpts from it may be used to illustrate a point, though without this being attributed to any individual. It was also explained that the content, within the contexts given, would be discussed with research supervisors, and potentially submitted for publication. Individual participants also gave their consent for the researcher to access any information held about them by the Probation Service, on the proviso that this information was also treated in the way outlined above. The terms under which confidentiality would not be kept were outlined

to all participants. Specifically these were whether there arose any possible issues of self harm, immediate physical or psychological damage to others, or the abuse of a child.

The question of how 'confidential' a researcher can promise to be is a question which needs to be asked before any study is undertaken, and is particularly pertinent where those being interviewed are convicted of crime (Roberts and Indermaur, 2008). Two paths can be taken in regard to the disclosure of unprosecuted criminal activity or other information that would be useful for the Criminal Justice Authorities to know – the researcher can simply promise, and adhere to the promise, not to pass on any information at all, or instead determine in advance where these boundaries lie and make those clear to the participant. In many cases, researchers working within Criminal Justice will not assure total confidentiality to their participants, and will instead indicate their preparedness to disclose any information that pertains to an individual being at risk in any way (Feenan, 2002; Hodgson et al., 2006). Within this study, the latter approach was taken, with participants being informed in advance that if they disclosed any information pertaining to one or more of these issues, there would be an obligation to report this to the appropriate authorities.

A particular risk for participants in focus groups is the risk of over disclosure, where a participant can become very involved with the group discussion and as a result, share more information than they had originally wished to (Morgan and Krueger, 1993). Although confidentiality from the researcher can be assured (subject to the constraints described) the same controls cannot be placed on the other group participants. At the start of the focus groups, group ground rules were set out, which referred to the right of everyone in the room to speak, the unacceptability of racist, sexist or otherwise abusive language, and that any issues shared within the group should not be discussed outside the group. Participants agreed with this premise, but of course it was accepted that it would be impossible to ensure that they absolutely adhered to this confidentiality agreement afterwards. However, this risk to

participants was mitigated by expressing this possibility, that there was a risk of information being shared by a group member, and the participants subsequently agreed to this and took part.

All interview and focus group transcripts were recorded on a digital device, and held on this device with no identifier information other than the automatically generated code (such as DS00001). This code was subsequently used as the anonymous identifier code, with an M or F being added to denote gender. Focus group participants were simply numbered in ascending numerals with an M or F suffix. Once the digital recordings were transferred to a laptop, they were erased from the mobile device. The laptop was protected with a password at log on, and also to enter the relevant files. Files were backed up to a secure external hard drive, also password protected, which was kept in a locked safe.

Informed consent

All participants were given a full and comprehensive overview of the research project, and the nature and content of the research, before being asked to sign a consent form. As stated above, the researcher presented an overview of her qualifications and background, and described how the information would be used, the terms of confidentiality, and in what circumstances the latter would not apply. The consent forms (one for interview participants and one for focus groups) were written clearly, and contained consent for participation, and access to further information (such as from OASys assessment records).

However, consent should not be considered to be as simple as a participant signing a form. Shaw (2003) states 'The principle of consent includes an assumption of voluntary participation' (p.11). The premise of voluntary participation should not be an a priori assumption. This is particularly true when interviewing (or convening focus groups) with individuals in prison or subject to statutory supervision. It is possible in these circumstances

that individuals have been led to believe that their participation is required of them. For this study, the purposes of the meeting were clearly stated to overcome this potential misunderstanding. A final issue was the potential difficulties some individuals may have in reading the consent form, either due to the language used, or due to literacy problems. Efforts were made to word the consent forms as clearly and simply as possible. In addition, during the initial discussion in the interview/ focus group setting, the researcher read through the consent form with the participant(s) to overcome these literacy issues. This was done in every case, as it was felt that asking beforehand if the individual felt he or she needed help may cause them to feel uncomfortable, and to sign the consent form without being able to read it due to embarrassment. Group participants underwent this process individually in another room, so that no individuals felt pressured into taking part by not wanting to refuse in front of their peers.

Chapter 3: Results - The offence narrative

Section 3.1: Demographic information

In total, interviews were carried out with forty six offenders, of whom twelve were female and thirty four were male. These offenders were all under current Probation Service supervision, either serving some sort of supervised Community Order or released from prison on licence. These offenders were sampled using a snowball sampling method (see Chapter Two, Methodology section for more info) and were all interviewed within Probation or Approved Premises (hostel) buildings.

The age range for the whole sample of these offenders was 18 to 60, with the mean age being 33.9 years, $sd=9.9$. For males this was 33.28, $sd=11$. For females this was 35.75 years, $sd=6$.

Ethnic composition

Three offenders described themselves as Black British. The rest of the offenders described themselves as White British. One of the offenders describing herself as Black British was female. These proportions of ethnic minorities represent 7% of the whole sample, 7% of the females and 6% of males. The individuals interviewed had committed a wide range of offences from shoplifting to manslaughter. The variety of offence types is represented in the table below (Table 3.1). Note that these offences represent the index offence, which is the most recent offence for which individuals were convicted, and were serving their licences/orders at the time that the research interviews took place.

Table 3.1: Offence types of sample

Type	Offence	Frequency
Non - acquisitive	Attempted murder	1
	Manslaughter	1
	Wounding	5
	Assault	8
	Assault with criminal damage	1
	Assault on constable	4
	Criminal damage	3
	Criminal damage through fire	1
	Dangerous driving	2
	Driving disqualified	1
Acquisitive	Robbery and assault	1
	Robbery	4
	Burglary	2
	Shoplifting	6
	Shoplifting/child neglect	1
	Stealing	1
	Fraud	1
	Possession with intent to supply	2
	Supply of class A drug	1

Section 3.2: The offender narrative

As an introductory point to the presentation and analysis of this data, it will serve as a useful starting point to review the purpose of this study: to examine the evidence of decision making prior to an offence, and if this evidence exists, what support does it lend to the idea of the 'rational offender' as defined by the literature reviewed in the introduction to this document. Do the interviews with the individuals in this study suggest that the offending individual is an active decision maker, and that in making a decision to offend, he or she weighs up the costs and benefits of each option before acting? Content of individual interview transcripts is presented here to explore this question, and evidence suggesting a decision is being made is juxtaposed with elements coded within the interview text that appear to disconfirm this premise, and these contrasts examined in order to build a fuller understanding of the individuals concerned.

At its basis, Rational Choice Theory rests essentially on the core assumption that a decision is made before committing an offence, and this decision is based on a process of the weighing and measuring of perceived outcomes, that is the costs and risks, relative to perceived effort of an action. Offenders have been said to make a judgement of an action that gives them the 'highest expected utility' (Cornish and Clarke, 1986) in terms of outcome. This deliberative process certainly begins to show through in these data. This chapter will present the themes and concepts emerging from the analysis of the data step by step, and point out the links and connections between these themes.

The evidence of reasoning

As stated in Chapter Two, offender narratives were initially split into categories based on the nature of the index offence, creating a category of acquisitive crimes, and a category of

violent or emotive offences. On analysing the data, there was, in general, a difference in the phrases individuals used about their offences. Those offenders in the acquisitive category appeared to make decisions about their offending, whereas the individuals in the violent/emotive category did not make such explicit decision statements. Statements such as 'I planned' and 'I thought' were common within the acquisitive category, but not present within the other category of offenders. Evidence from the acquisitive offenders is examined first.

Section 3.2.1: Acquisitive offending

I wanted it / I needed it

Acquisitive offenders' narratives are marked by their desire to meet a need or want, and frequently stated that they made a decision, and describe the consideration they bring to bear on these choices.

"I was going out with a specific reason. I was going out with the specific intention of making money." code09M

On making their decisions, individuals describe how the highest expected utility of the decided action is ensured.

"I thought, if it's there, I want it, I'll take it. Simple. I would never take anything unless I could get it sold though. If someone said 'I need a new laptop' that's what I would get for them." code24M

Maximising 'takings' is a popular preoccupation.

“My thing is fraud and deception. I sold weed for a bit, but there was too much going round so not enough money in it.” code03M

This appears to be a common theme. To obtain the best outcome a lot of thought is put into how to achieve it.

“I always planned to get lists of what people wanted me to get for them, I knew I wouldn’t be able to get rid of some stuff but there were always some things you knew you could always get rid of like CDs, DVDs. Things like that I would always take.” code12F

Another female offender, also a shoplifter, comments

“I took orders. It was the best way of doing it; you knew you could sell the stuff straight away. Those (hair) straighteners, the wet to dry, everyone wanted them at Christmas.” code06F

She goes on to elaborate

“(My) offences were pretty well planned – even when I didn’t take orders I had an idea what to go for anyway and I could always get rid of my stuff especially at Christmas. All my buyers love the ASDA stuff – they could take it back then and get the money back.” code06F

Achieving the best possible outcome is a constant concern. This process does not just take place in advance, indeed for some individuals it seems to occur even as the offences are taking place.

“I have been in a shop grafting (shoplifting) to order, and seen someone pick up a £60 top, and I would say to them ‘I can get you that for £30’ and they will say ‘yeah go on then’.” code11F

In this way the maximum utility can be obtained for the minimum effort and risk. If the individual is already at the site of the offence, and is expending effort, they may take the view that they may manage to get even more from the situation.

Thinking Ahead

As these individuals describe their efforts to obtain maximum utility with minimum effort and risk, they also refer to planning ahead in order to get the most benefit out of any offending situation. In this way, offenders achieved maximum utility of effort by enabling an efficient action.

“Think, plan, then go out. Then you would only need to go out once, and make enough to get enough (drugs) for the day. If they (offences) were not planned you would need to go out four or five times a day.” code01F

A male offender, with a long history of armed robbery corroborates this idea

“Stake out the office where they keep cash for a few weeks to see when the money is taken. Go and loosen the hinges on the door. Then on the day go to the cashier office and kick the door in.” code08M

Thus the interviewee makes sure he gets what he wanted from the exercise. Offenders, quite apart from ensuring they get what they need, seem quite good at making things go as smoothly as possible by managing others’ perceptions. One enterprising female shoplifter became skilled in avoiding the attentions often focused on a known criminal.

“When I shoplifted I planned loads. I used to wear uniforms – nurses’ uniforms, hairdressers’ outfits. ‘Cause I’ve got short hair I used to wear wigs – look completely different. I made foil bags, and go on the train – Chester, Warrington, St Helens. It was like going to work – doing a day’s work. I went there yesterday, so I’ll leave there today. I wore that wig with that uniform last time, so I’ll change.” code01F

This woman also described how being caught without a train ticket compromised her chances of appearing calm during a subsequent offence, so invested in a monthly railcard for this sole purpose.

Manipulation of appearance was referred to more than once as a method of easing the commission of an offence. One shoplifter comments

“I specialise in filling supermarket trolleys with wine and joints of meat then walk out to the car park. I get away with it for about 6 months before they notice. You put on trousers and a shirt and tie, not a tracksuit. Look respectable and no-one bothers you.” code08M

From an initial review, it would seem that there is supporting evidence to suggest that some individuals will seek the highest utility from their action. This concept is easily understood in terms of acquisitive offenders and is supported through narrative evidence, though may be more difficult to illustrate in those cases where the offence is non-acquisitive. To explore this idea further, it is interesting to break down the rationality and application of highest expected utility to an individual into its component parts, i.e. what ‘utility’ may mean to an individual in their circumstances. These rewards and risks may be key to understanding how an offender makes a decision. Examining the narratives from offenders with various

types of offence, there does seem to be some commonality in how they view the potential risks of the offence.

Risks and costs of offending

As discussed in Chapter One, the previous studies within Rational Choice and crime have shown a great variety of costs or risks bringing to bear an influence on decision making far beyond the official sanction or punishment aspects of a decision that are usually considered. For Rational Choice Theory to be applicable to offence decision making, it must therefore be flexible enough to take account of the wide variety of potential costs and benefits that may affect the decision making process (Paternoster and Simpson, 1996). The offenders' definitions of costs and benefits are central to gaining an understanding of how such a decision may take place, and also, there must be awareness that costs and benefits may be perceived as qualitatively different by offenders and researchers. For example, previous research has found that a cost such as a legal sanction like a prison sentence may be weighted very differently in the decision of an offending individual from the value placed on it by a non-offender. Therefore, the extent to which it impacts on an offending decision will vary, both in terms of the 'mental space' it is given, and also in terms of the impact it may be felt to exert on the individual (Wright and Decker, 1994). This consideration of what constituted a risk for the individuals, and also the space they allowed the risks in terms of thinking time is an interesting insight into how the interviewees viewed their actions. The theory of bounded rationality rests on the argument that offenders are making decisions within a restricted environment, or restricted cognitive space (Cornish and Clarke, 1986) and that these decisions are made without the benefit of fuller knowledge or experience. Arguments that offenders do not fully understand the consequences of their offending decisions, and not therefore the offences themselves, are at the core consideration of the concept of bounded

rationality as relates to offending theory. This could be supported by the many references in the interview text to 'not thinking about the consequences'.

Formal sanctions

Not thinking about it

When the concept of thinking about consequences was mentioned by an offender, the following was a fairly typical response. One male shoplifter says

"No, you think about the money. While you are doing it, you think about what you can get, like a bad day at a job, that's all." code03M

Interviewees describe how they understand potential consequences but that this does not necessarily affect their decision. A female shoplifter said

"We know, I knew, what could happen if you get caught – but you need to do it and get it done, and you can't think about it." code02F

Another male burglar agrees

"When you do it you don't think about the consequences, you just go ahead and do it. Not that you don't know them, Oh no, you know what can happen, you don't think about it at the time. You don't care – it's not important." code28M

Other individuals are more specific about their expectations of exactly what the consequences would entail.

"I'll go out, know what can happen if you got caught, at first a slap on the wrist or conditional discharge." code03M

As consequences are perceived to be more serious, the interviewees are nevertheless just as matter of fact. Another female shoplifter says

“Because I shoplift every day, I know I’ll get caught now and again. I’ll only get a couple of weeks in jail. That usually does me good and settles me down a bit.”

code06F

This sentiment applies to other types of offence also. A male drug dealer says

“You know what can happen – and you know that you’d be ok. Prison means nothing to me.” code20M

Even at the most extreme range of potential consequences the thinking appears similar. An offender with a string of convictions for serious violent offences says

“If I went out I know I could get wiped off (caught) I gamble with a life sentence every time. It might put you off, but no, I just go back out and get straight back on it.”

code24M

Probability of formal sanctions

I won’t get caught

This evidence may suggest that aside from an individual’s consideration of risk, and severity of potential outcome, the ‘impact’ of this outcome may not be felt as keenly by this offending group as it would to a law-abiding observer. This differential impact of outcomes of an offence is a theme that was repeated many times. There are two elements to this, with both the ‘odds’, or risk of being caught being one, and the actual cost to the individual of this

happening being the other. Consider the view many individuals expressed as to the likelihood of being caught.

One male shoplifter states regarding his offence

“I get away with it a lot. I have only been caught twice – it is easy and quick.”

code02M

A female shoplifter says

“There are 70 odd charges on my pre-cons, but I have loads more – 15 years worth of doing it daily. I was good at it.” code06F

Coupled with these (perceived) favourable odds, many individuals display a thorough understanding of the potential consequences of being caught. In many cases, their understanding of sentencing practice and punishment was far more sophisticated than perhaps that of the general public.

Even given these statements, it would seem that as much as an individual states they do not think about consequences, it does not appear that this is because of a lack of understanding; rather it derives from the value or importance of the consequence to the offender. Individuals interviewed here, in general seemed to portray an excellent understanding of both the risks, and outcomes of these actions. The likelihood of being apprehended in particular was a consideration for the interviewees, but perhaps as it appears here, only briefly. In general, the interviewee has a view of this likelihood of being apprehended that would be very different from that of the general non-offending population.

Value of formal sanctions

Getting caught doesn't matter

Several interviewees described how the official sanctions given to them were perceived as perhaps less serious than they would seem to the non-offending observer. One man explains

“I have been going to jail since I was 16 and it has never bothered me.” code09M

Another man goes further

“It’s a job, and jail is just, you know, an occupational hazard. All jobs have a down side.” code27M

In fact, some individuals went as far as to say it was a positive outcome for them. This is summed up by one female offender:

“Easy two occasions at least, I have got nicked purposely especially in winter – just for a roof over my head and food for a couple of weeks.” code04M

Other (non formal) costs of offending

Of course, it is not only official, that is legal, sanctions or outcomes that are a consideration (however briefly) for the individuals interviewed here. Any individual will have his or her own view on these official sanctions as shown above, but offenders also spoke of negative outcomes particular to them.

Getting embarrassed

A male interviewee, specialising in robbery and burglary explains why he does not shoplift, in many peoples' eyes a lesser crime.

“I have done armed robberies and that; I have done all kinds, all extremes. I don't like shoplifting though, it is scary. Scared of getting seen and embarrassed. It's not the getting caught bit, jail wise, just the social part. People know me.” code20M

For this offender, the embarrassment of being caught shoplifting is far worse than being caught committing a robbery.

Family and personal costs

It affects my family

The worry about others' opinions is echoed in a slightly different way by a female shoplifter, who worries about keeping it from her family.

“I feel bad, not about the nicking stuff, but about lying to my family about where I got stuff. I feel guilty about lying to them. Once, my mum insisted on giving me the money for a pair of trainers for the (kids) I'd pinched, and I said 'No, it's fine' but she insisted and I felt really bad.” code11F

Effect on family was a repeatedly cited 'cost' of an offence to the offender. One male offender, convicted of fraud, accepts that he got a jail sentence, but does not see this as the primary cost of his actions. Instead, he says

“The emotional fall out is horrendous. On my wife, my kids.” code17M

The individual quoted above feels strongly after the offence that his family suffered the worst of the consequences of his actions, but freely admits that he did not consider this when planning how to manage the fraud offences, committed to feed a gambling addiction.

“For a lot of our marriage I have lied – but not in an unfaithful sort of way, it has always been finances, so it was OK. But those finances have big consequences – I would lie and say I was at work when I was actually at the Casino or lie I was in a traffic jam when I was actually in a Casino. I didn’t even think about it. But now, she says I have been married to him but I don’t even know him.”

One female offender talks about the negative outcomes of an offence, in terms of her relationship

“I was in a violent relationship. It was more what he would do to me if I got caught than what the law could do. Not official stuff, just him.” code01F

This would seem like excellent motivation not to commit an offence, but as the same offender describes further in this chapter, that was not an option for her.

The negative effects on family and the effects on how others see the individual is a common theme when the individuals interviewed here describe the negative effects of their actions, but the exact manifestation of this is different, and individual to the interviewee. So far, narrative has described effects on particular family members, one individual’s mother, another’s wife and children. Another male offender, with a long record of stealing cars and driving dangerously agrees

“I realize now why it is so bad. Last year I caught my little brother doing it. He is only 17 and looks up to me. I took the car off of him, and told him ‘I learned the hard way’

and don't want (him to). I was a bad example. Don't want him having the same problems." code32M

Social costs

It has affected my life

For other individuals, it is not just the effects on one or several close family members, but a realization that their 'position' or social involvement is altered by their offending. For example, one offender describes a realization that occurred to him on one of his many spells in prison.

"I have been going to jail since I was 16, and it has never bothered me, but now I am thinking, it's taken too much life from me. I know someone who came out and their family had passed away. I don't want that to be me, not being able to be there, funerals and hospitals, and I have two younger brothers now I wasn't there for and that is just sad for them." code09M

Another individual describes the long term negative effect his offending has had on his ability to live 'normally'

"You get a reputation, and as well, you lose social skills which makes (it) hard to communicate. People look at you, and you think it is a threat, but they just want to talk. When you are not used to communicating it is hard to do anything. It is a big obstacle." code12M

The desire to regain 'normality' is corroborated by another female offender.

“Having been (an offender) it changes how people see you. I just want to be X now. Not X the grafter, or X the smackhead. People look down on me. I just want to be anonymous, live normal.” code01F

Bounded rationality

The non –official, negative outcomes discussed by these individuals cover a wide range of subtle, and long term consequences which perhaps have only come to light for the offender in the months, or years after the offending is taking place. For the individual with the record of fraud, the effects on his wife and family did not factor in his decision making, but are causing him the most distress after conviction. The young man who missed the birth of his younger brothers finds himself coming to a realisation after numerous jail sentences that he is missing out on a lot of things by being locked away. Another man describes how he feels he has lost his social skills, making his life in the community a tricky obstacle course. None of these realisations appeared to be a concern at the time of making a decision to offend; indeed they seem instead to be borne of a long spell of consideration. Of course, the bounded model of rational decision making describes a decision making process in which the individual utilises the information and knowledge they have at the time, so in this context it is understandable that these devastating and long reaching consequences are not part of that process. However, it does add another interesting dimension to the process, in that it may not have been possible for these individuals to know of these consequences before they had the experience of them; and indeed if they had considered effects on family or society as a ‘factual’ input into a decision, it would not have had the same impact on that decision as the real experience of such an effect.

The consideration of an individual's thoughts on what constitutes a risk, or reward, of an action is therefore paramount in understanding their narrative of events. It also opens up a fascinating interplay between the theoretical consideration of a rational approach to offending, the interplay between these potential outcomes, and the value of these outcomes to the offender. Any setting of value for an individual must be subjective to that individual, and to their own feelings and views on their circumstances. A more in depth analysis of individuals' expression of their circumstances and situation will follow later. However, simply in reference to risks of offending and the relative importance placed on these by individuals it is clear that this would be an essential consideration for any individual in making a decision to offend. Likewise, the other side of any decision making process, that is the benefits of committing an offence, must be subject to the same consideration.

Benefits and goals.

I wanted it / needed it

As stated at the start of this section, the offences within this acquisitive category were marked by the individual's intentions to meet a need, or get something they want. Individuals expressed their desired outcomes, or benefits of their decision and subsequent action through the narrative. The simplest expression of what an individual wants out of an offence is described by one male shoplifter:

“(I needed) basic stuff, clothes, trainers and T shirts. I had nothing. I was at a pretty low point.” code03M

Another man agrees. His primary motive was

“Food to sell, and to eat myself.” code33M

Yet again, another man, this time convicted of street robbery, and another male with a varied criminal background add

“I was desperate for food and money. I was living on the street, with no money and no food and I was desperate.” code02M

“Money just for me, not for drugs just for me, for food and stuff.” code25M

This view is not limited to male offenders. One female shoplifter says

“When I started, I had to for the baby. Stuff for him, and stuff for the house.” code01F

From basic needs such as food and clothes, another common need was money. One individual, specializing in fraudulent phone contracts says

“I thought, I’ll do it one more time to pay the rent.” code03M

Money to pay rent, buy food and clothes, and for the general needs of life is a common theme. Offenders were not always specific about the reasons they needed or desired money.

“Money – that’s what you did for money in the 1970s.” code04M, Armed Robber

“I was going out with one specific intention, to make money.” code08M, Burglar

The general need for money was a strong motivator and in some cases, appeared to be the only way the individual saw to achieve it.

“Where I was brought up, there was nothing. You had to survive, if you wanted something you had to pinch it.” code04M

Drugs

In addition to the general demands of life, money for drugs was also a common theme. A female shoplifter describes her need to earn money for drugs

“It did my head in, but I had to do it, do you know what I mean? To get it (money) for the drugs. I thought every day, ‘I am sick of this’ but I had to go out.” code06F

A male robber describes the same motivator

“A robbery, that was the first time I committed a crime – to get drugs.” code09M

A male shoplifter puts it simply

“I needed drugs, so I needed money. It was a complete struggle.” code03M

A further individual, convicted amongst other things of dealing in drugs agrees

“I was going out with the intention of making money – money for my drugs.”

code33M

An individual with burglary/shoplifting offences states a similar goal

“Getting money for drugs. For myself to buy them.” code28M

Money for drug addiction was common as seen above, but one individual described needing the money for a legal habit, rather than an illegal one (drugs). This man was motivated by feeding his gambling addiction.

“I had a gambling addiction, erm, gambling addictions. I had no money, so I needed some.” code23M

Excitement, 'kicks' and social reinforcement

I want to be liked

Aside from the focus thus far explored on money, or money and subsequently drugs as the primary positive outcome an individual sees in the offence, some interviewees also describe other positive effects of their actions. These range from social reasons, to personal gratification. For example, one female shoplifter says of a recent offence.

“I was in the Aldi to take some sweets. I did this because I was going to see my Mum, she was going away in a few days so I didn't want to go empty handed.” code12F

Another individual described how he craved peer acceptance

“I didn't have a lot of confidence, I had no money. I thought people would like me if I had stuff, so I started nicking.” code23M

I get a buzz

Other individuals describe the positive feelings they experienced after committing an offence which led them to commit others.

“I was terrified doing a burglary, but once you've done it, you get a buzz.” code09M

An armed robber agrees

“You start out for the money, but you keep going because you are on a buzz.”

code04M

The 'buzz' or excitements experienced through committing an offence was a recurring theme.

A man with a string of car theft offences states simply

“Cars – I always nicked for the buzz.” code02M

Another male offender agrees

“I used to get a kick out of driving.” code32M

A drug dealer reports a variation on this ‘kick’ or ‘buzz’

“Money is not really a motivator for me. It was always having a good time. Always the partying, anytime.” code26M

A man with a history of shoplifting agrees

“My mates had a zest for life. I wanted to join in.” code25M

Doing what you know

Reviewing the evidence so far, it appears that certain elements common in offender narrative on decision making highlight some of the aspects one would expect when searching for evidence of rationality. The costs, benefits, risks and rewards outlined in the general definition of a rational offender can clearly be evidenced for different offenders and differing offence types. A weighing up of costs and benefits may be the essential key to a good decision, and that decision is a pre-cursor to action. The freedom to make a decision is limited for each individual by the skills and tools they have at their disposal, as well as the circumstances around them.

It works for me

In many cases, the offender managed to commit a successful offence by trying to blend in with the general public.

“At Christmas I would make a killing by putting my stuff in a bag then a big cardboard box like in Argos.” code06F

Although to the observer, placing stolen items in a large conspicuous box may seem counter intuitive, the approach of looking less suspicious by looking conspicuous has appeared in narrative previously reviewed here. Consider the male shoplifter whose speciality was walking out of a shop with whole trolleys full of food and other items quoted earlier. His bold and calm escape with a large number of items worked much better for him in his opinion than trying to be subversive or secretive.

Using what you know seems to be a common element in the narratives of shoplifters, but was also frequently referred to by other interviewees. One burglar says

“I wouldn’t just go out (on chance) I would get up, go out, just walk about out of town to certain areas. Like one Estate, I knew my way round so I would go back there. I would walk past a few (times) looking and see somewhere. I got to know instinctively if there was someone in. Milk bottles, mail, no car in the drive at a certain time of the morning.” code09F

These ‘practice’ runs took up time. One female shoplifter confirms

“It is like a full time job. It occupies a lot of thought. From the second I’m home I am planning the next one.” code01F

For a desperate offender, circumstances can present themselves in unexpected ways. The individual may then decide to take advantage of these circumstances. One burglar, in describing the planning of his first offence says

“I knew it (the victim) was a vulnerable person. I had been round there as a visitor and left the window on the latch. I was thinking about going back even then. It was planned ahead, not spur of the moment.” code23M

During the commission of the offence, this individual was thinking ahead. The same man goes on to describe his repeat burglary of the same home.

“Obviously before you go back again a person will put in more security than they had the first time, but because you took something (before) and did not have time to get anything else, but you know what is there because you have seen it. You go back in.”

Despite the expectation of extra risk in terms of increased security this burglar went back again as he had seen items that he valued that he could not take the first time round. This use of knowledge and ability to take advantage of circumstances can certainly appear sophisticated and are described by some individuals as making them ‘skilful’ or ‘specialised’.

“That’s exactly what it is, a job. I know people who don’t take drugs, but shoplift. Its something they do, it is their job they have chosen. They might go regular, three times a week. You specialize. One mate specializes in designer glasses – gets you a £300 pair for £35.” code03M

Another male offender says

“It’s always planned. Maybe not the first few times, but then you get clever, you get good.” code24M

Evidence contained in the narrative would so far suggest that an offender is aware and feels in control of his or her decision to offend. Plans are specified, and acted upon, whether these be weeks, days or hours in formation.

I had no choice

In many cases, it is clear that individuals are constrained by their situation or circumstances more so than taking advantage of them. Even where an individual describes how they plan an offence, in many cases applying considerable creativity to this process, their options of how to achieve their goals are limited. Within the 'boundaries' of the offender's bounded rationality, is the range of outcomes that the offender perceives as being possible. If an individual needs drugs, or money, they may have little choice in how to obtain these items. Legitimate sources of income may be cut off from them, leaving them to manage with the options they are left with.

A recurring theme within the interviewee narrative was the idea that the choice if available, was to not offend at all, but that circumstances were such that the individual felt that they had no choice. This is touched on by the offenders who commit offences in order to obtain money for drugs, in that the need for drugs over-came all other considerations.

"If it wasn't for needing the drugs I probably wouldn't have done it, or if I did it, it would be a one off. Say for instance my son needed something I would go out and get it, but not daily." code15F

This individual goes on to illustrate her point.

"When I first started on drugs, I had £5000 under my bed, I spent every penny, that all went. All gone. In the end I had to shoplift. The kids moved in with my Mum in the end, I liked having them but at least I knew they were getting looked after with my Mum, and I could go there and get fed too."

The choice about whether to take drugs or not is not a choice for many of these offenders, it is a given. Needing the drugs means needing money, which for these individuals means committing an offence, despite their disinclination for doing this. One male interviewee describes how offending for him was a last resort, but his need for drugs drove him to it.

“I lost my job, then I needed to offend. To pay for it (drugs). That is when it started, to get stuff. I didn’t want to offend; I never had more than a speeding ticket. I knew all about the risks and stuff, actually thought it was worse than it was because I hadn’t done it before, but I needed the stuff and that was more important than everything else.” code33F

In addition to the desire for drugs, there are other reasons however why an individual felt she or he had no choice but to commit a crime, even though it was an undesirable action. One female offender describes shoplifting under duress by her partner.

“I knew what to do because I had been told by him, But as I came out, of the one (supermarket) in Speke, through the little shopping precinct – I came out that way, and he was at the bottom, and I started legging it with the trolley and he ran up behind me and started saying ‘stupid cow, what are you running for people will look at you’ and I was terrified of him.” code15F

Another female interviewee, quoted above as fearing negative reprisals from her partner over official sanctions should she get caught, goes on to explain why she needed to offend anyway. She describes how the consequences of not committing an offence were made worse by her violent partner than the consequences of committing the offence itself.

“Yeah. I run through things in my head – getting caught and stuff. If it is opportunistic – at first I was terrified I case I got caught, not just what would happen in court, but

like I said, I was in a violent relationship, It got to the stage though, (where I was more worried about) what he would do if I didn't go back with something." code01F

As these individuals describe, committing an offence was for them an absolute last resort, and is not something they would have chosen to do, should an alternative have been available.

Although offenders in the acquisitive category do show elements of rationality in their decision making, this must be subject to the caveat that this decision making is limited by the options available to them. In this case, the model of Rational Choice that depicts a decision maker objectively reviewing his or her options is not a comfortable fit for the choices described by these offenders. Instead, their rationality is not only bounded by knowledge, skill and time, but also by the range of options actually viable as an outcome. This range of options will be determined by the needs and situation of the offender and therefore any decisions must be considered in this context.

Section 3.2.2: Violent or emotive offending

The individuals described thus far within this section all describe to some extent the way they felt they had to carry out an offending action despite their natural inclination against it. Whether compelled by the need for drugs, or the fear of the consequences within a relationship the individuals above talk about making a choice against their better instincts. These individuals are all speaking about committing an acquisitive category offence however.

It just happened

Within this category of offending, the individual narratives do not refer to making a decision, or planning, but instead when reviewing the violent/emotive category evidence, interviewees do speak about acting under a compulsion, or against their better judgement.

“Sometimes I don’t feel like hitting someone but I still go ahead and do it.” code34M

The evidence in the violent/emotive narratives is more limited, and does illustrate a difference within these parameters. Whereas the acquisitive type offenders describe thinking about their offence in terms of not wanting to do it at the time, the violent/emotive offenders describe the offence happening almost automatically, despite their disinclination. This difference in evidence between the two groups of evidence adds another facet of comparison to the groups, which can be considered alongside the other distinctions drawn earlier in this section, and will be returned to later.

A sense of relief – feelings and situations.

I need to feel better

Thus far, the ‘benefits’ or positive outcomes as described by the interviewees have been based on those with acquisitive type crimes. However, that is not to suggest that those convicted of committing violent/emotive type offences did not feel a positive outcome(s) of their behaviour. A male offender, convicted of a serious assault discusses the feelings around his offence.

“He made me feel so horrible, to make it go away, I nearly killed him.” code21M

This individual had not stated this as a justification, but as an explanation of how he released his unpleasant feelings through taking action. A different, but similar experience from a man with violent convictions described how his drug habit began

“I was helping someone come off heroin. I ended up on it myself. I know this sounds weird, but I was jealous of him using it. It influenced me, I was trying to get him off

it, I had all these bad feelings inside, I was struggling and the voice in my head said
‘Would it be so wrong to get away from all this for a few hours.’ code33M

This individual clearly describes the desire to ‘get away’ from negative feelings. While not all the interviewees were as eloquent, others do describe the same or similar experiences. One male interviewee, with a long history of assault, says

“The way I have always been, is there are people that do your head in. Make you feel bad, if you kick them or give them a good battering they won’t do it again and the bad feelings go and they won’t do it again.” code34M

A female interviewee also describes a state of anxiety and confusion she wanted to find a way out of.

“I wanted to see my daughter, that was at the forefront of my mind. I was anxious, scared, worried. I wanted to call (Social Services). I saw the phone, I thought I would take the phone, I thought I would take the phone, make my call, and give the phone back, and had no intention of pinching it.” code05F

Despite this situation ending in an assault conviction on a minor, consisting of taking a young girl’s mobile phone, this individual wanted to achieve relief of a negative state of mind, and as she says, the intention was not to keep the phone.

It appears that the perceived benefit of an offence can vary between individuals and situations. It is clear that in many circumstances the individual can foresee the clear benefits of their actions, this being particularly prevalent for the acquisitive type offenders. However, in the examples given from the violent/emotive offenders various individuals describe a benefit of their actions being the ‘release’ or lessening of a feeling or state of mind, in

contrast to the acquisitive offender's 'obtaining' of money, or a positive feeling. This contrast will be returned to later in the analysis, but begins to illustrate an interesting contrast between different types of offences and the individuals who commit them.

Not thinking straight

Not all of the offender narratives however display such a self awareness of the thought and decision processes leading to the offence. Other offenders described a set of circumstances where things 'just happen' to them, and to the individual these events may be perceived as being beyond the control of the individual.

In contrast to the seemingly pragmatic approach discussed so far, there are another group of offenders in this study identified here as violent/emotive individuals that report quite different experiences. After considering the often careful thinking that can go into the commission of one of the shoplifting, burglary or similar offences described above, this set of violent/emotive offenders proves to reveal a different view of how an offence occurs.

When one man was describing how he committed a violent assault, he says

"It was too quick. Nothing happens really, just blank and adrenaline, and go for it. It is me or them, so I go in first." code34M

This seems to be a common experience. Other offenders describe this experience variously as a 'blank mind' or as a violent/emotive. Consider this example

"I saw red, and went for her." code27M

This offender, convicted of serious assault on his partner had no previous record of domestic abuse or violence against his partner, though he does have previous convictions for affray.

The 'red' he describes in this case for him was a common theme between his descriptions of previous assaults on other men, and this one, on his partner. Offenders describing this sort of incident frequently referred to something 'snapping' or being out of their usual frame of mind.

"I wasn't in my right mind." code03F

"I just flipped." code12F

"You would get up and just flip." code12M

"I was angry, I wanted to lash out." code21M

The experience of 'flipping' or lashing out is a common one. Indeed, several offenders described how the actual victim of their offence was someone they did not want to attack or hurt, from assault on a Police Officer by the man quoted previously, to a family member.

"I was angry and assaulted him. He was a Policeman. I wasn't angry at him or because he was a copper but because like I said, I wanted to lash out." code21M

For another male offender, his moment to 'flip' got the better of him in the worst possible way for him.

"It was my mum! I love my mum to bits, but she was there and I ended up losing it. I jumped up and I snapped and I grabbed her by the shoulders and pushed her over."
code43M

Offenders describe that moment of time that occurs when they 'snap' as being 'not in my right mind' or blank. For some, they see this 'blank' as continuing way past the actual commission of the offence. One female offender, convicted of wounding, says

“I didn’t know what was happening. After a couple of days it started coming back in bits.” code08M

Confused thinking

For others, it is only when the details of their actions are revealed to them that they describe remembering what had happened. One female offender who stabbed a male friend describes how even in custody after the event she was blank, until her solicitor told her what she was charged with (Section 18 assault and wounding). On hearing the charges, she remembers

“I lost it, because, I knew it had happened. When it went in (the knife) I remember now, I remember thinking it was like (cutting) a raw chicken and that scared me. I remember I was crying and there was blood everywhere and I knocked twice on a door and the police came.” code10F

In this case, the individual’s ‘blank’ moment seems to have lasted several days. She refers to knocking on a neighbour’s door where apparently she confessed to her actions and asked for the Police and an ambulance. This separation of actions from memory is described also by a male offender, convicted of manslaughter after assaulting a young man in the street.

“Was I aware of what was going on? Well I have to say 50/50, because I don’t remember but before the Police came, I had put the lad in the recovery position. I was aware enough to know he was bad even when the ambulance came I was still there. It was pretty serious.” code05M

The victim of this offence suffered severe permanent brain damage. As the offender says himself, it was an extremely serious assault though the individual concerned expresses that he has no recall of it.

Another man, with a long history of violent crime described how he feels very different when in offending circumstances.

“At the time I am doing it, I wasn’t, aren’t arsed. I wasn’t bothered. Almost like a split personality, Jekyll and Hyde like.” code01M

The same offender described his thoughts during his offences

“I wasn’t thinking straight, I was thinking bendy.” (as above)

Whereas many of the offenders described above talk about an ‘absence’ or ‘blankness’ of thought, this individual describes that some thought is taking place, but that his thinking is not ‘usual’. One male offender describes how his ‘bendy’ thinking, to borrow a phrase from the previous individual, gets him into trouble.

“I know I hit before I ask questions. I need to be wiped clean like a computer. My PO (Probation Officer) says try to imagine the faces of the people you are hitting. I can, it helps. I can see the fear in their eyes now.” code44M

The theme of confused thinking is common. A female offender interviewed just after her conviction for killing an elderly woman in her care tries to describe her thoughts as the offence happened and afterwards.

“That old woman in the house never goes out anywhere. It’s dead bizarre! She just basically died, or someone killed her. She has suffocated. There was no-one else in

the house, so it must have been me done it. Even if I have done it, my mind is thinking 'Have I done it?' but I said to myself 'I haven't done it' and I feel better."

code13F

The contrast between the controlled and often creative thinking described by the first group of interviewees and the absence of, or confused thinking described by the latter group is stark. It could be argued that many of the group with acquisitive offences describe themselves as considering, and making a decision. However, no reference to making a decision as such appears to be made within the latter, violent/emotive group of individuals. When looking at the other elements of a rational process, such as the consideration of risks and benefits found in the first group, there is little evidence of this happening in the offending 'moment' of the latter group. This is not to say however that this group of offenders are not capable of such considerations. Indeed, from their narrative it seems that in the passing of the moment, and in hindsight, this ability is very much in evidence. Consider a woman looking back on the assault she committed.

"Looking back, I see I should have, could have given myself more thinking time before I make a snap decision. I go along with things half heartedly." code03F

Thinking back

Another female offender achieves clarity after being arrested for assaulting a Policeman. She was sitting in the middle of a main road when the Policeman approached her. Looking back, she says

"I can see that he has to come and talk to me. I could have been sick. The logical me knows there is no way he is going to leave me sitting there on a main road but at the

time I think differently. I think 'I am doing no harm so go away and leave me alone'.

The next day I wake up and I think to myself 'Bloody stupid woman'." code04F

This individual was drunk at the time of her offence, a common theme in offender narrative.

Another male offender agrees that this makes a difference

"You can read situations to avoid potential trouble, but you cannot do that if you are drunk." code12M

However the clarity of hindsight is not limited to those who were drunk at the time, although the influence of alcohol, or drugs on decisions (or lack of decisions) made, was a common theme, returned to later in this Chapter. Other offenders talk about their offences in terms of what they understood afterwards.

"Looking back now, I can see how it went wrong. I lost my temper, and I should have stayed away. You see it time and again, you might have two ways you can go but get in a situation with certain people and it is likely." code21M

Section 3.3: A mixed rationality

Through the contrast emerging between the seemingly 'logical' and planned action of the acquisitive offender and the violent/emotive offender's description of the 'blank mind' is stark, this after the event thinking suggests that there may be some decision making going on, at least prior to the offence.

A chain of choices

If a rational model describes a decision being made up of a consideration of good and bad outcomes of an action, each of which is considered in context, then it would be difficult to apply this to the narrative descriptions of some of the violent type offenders. However, even in the absence of what in this context could be called a ‘decision’ to commit the offending action, there is evidence of other choices being made. This is evidenced by the individuals’ descriptions of choices, or sets of circumstances they found themselves moving towards before the offence. This would not appear to be the same as ‘planning’ an offence in the way described earlier, but still can be considered a means by which the offender arrives at the offending action.

Considering the apparent decisions being revealed in the narrative of the individuals interviewed, it does appear that the means by which an offender arrives at the point of committing an offence is different. If the tendency for narrative of acquisitive offenders reflects the description of a ‘rational’ and considered participatory decision, then the ‘offence likely’ choices by violent/emotive offenders reflect a split. The distinction between making an active decision to participate in an offence, and making a choice or series of choices to enter a set of offending likely situations does seem to closely reflect the split in offending types. Consider these quotes from various offenders.

Shoplifting:

“I used to go out to (shoplift), I used to walk around different shops just looking about. I knew I was going out shoplifting for whatever – but I used to walk around and weigh it up and see what I could get.” code28M

Armed Robbery:

“I always knew where I was going and what for. I used to watch them. For days, watch them, say they called in on a Thursday – a jewellers van, to pick up stock, then we knew the boxes were in the van. We would follow him home and put sugar in the gas tank then follow him the next day until he broke down on the motorway then rob him.” code29M

Criminal Damage:

“I thought she smashed my car up, I went right round there and did (smashed the TV). It wasn't my first thought 'right, now I will go and smash the telly' but I just went round there and saw it, so I smashed the telly.” code15M

Serious Assault:

“At a friends house on New Year's Eve I thought some guy wanted to sexually assault me and then he left, so I went after him and really went on (him) with a full can of beer and nearly killed him by hitting him over the head because..... I am not a bad person but he made me feel so horrible and the police were called and I assaulted him it wasn't because he was a copper I just wanted to lash out.” code21M

Section 18 wounding:

“A knife though? I can't forgive myself. I felt sorry for him, he was up on a section 18, I felt I couldn't leave him. What did I do? Why? Spur of the moment. Seconds it was, not even seconds.” code10F

The first set of experiences would appear to fit with within a rational approach to decision making. The second set of experiences would not fit so closely. The application of a rational model to these narratives will be considered further in due course, but it is important to reflect that despite these narratives not claiming explicitly to have made an active decision about participating in the offence, that is not to say that an assumption can be made that the offender was making choices with no awareness of the implications of these choices. If an assessment of entering a situation being likely to increase the probability of an offence occurring is made by an individual, then this self awareness may speak of the actions of a rational, if bounded, actor.

Consider again the narrative examined earlier where an offender described her planning of the offence.

“When I shoplifted I planned loads. I used to wear uniforms – nurses’ uniforms, hairdressers’ outfits. ‘Cause I’ve got short hair I used to wear wigs – look completely different. I made foil bags, and go on the train – Chester, Warrington, St Helens. It was like going to work – doing a day’s work. I went there yesterday, so I’ll leave there today. I wore that wig with that uniform last time, so I’ll change.” code01F

By contrast, a violent offender describes no such deliberation, but describes a set of smaller choices that result in him committing the offence, which involved a section 18 wounding on two men he found his partner in bed with.

“What it was, was we (self and partner) were rowing a bit so I went and stayed at a friend’s, it was his birthday so I was out drinking with him. I got a phone call from my ex, she said call round I want to see you. I had my own key so I went there, and got in the front and said to her kids ‘where’s your Mum’? They said ‘upstairs’ and I

could see that they were frightened, I said ‘what’s up?’ they said ‘nothing’. When I walked in they looked terrified.”

“Could I have done it different? If I wasn’t drinking, maybe. She chose a night I would be drunk. I would have gone back down and said to the kids ‘come on with me’ and taken them to my mates and said they could call their mum from there. And brought them home afterwards but for her to have those kids there and for them to know what she is doing and they know I’m coming they were terrified; X (one of the children) shouted to me ‘don’t get arrested’ as I went upstairs.” code12M

In the situation given above, it appears that the offender has made a set of choices to enter subsequent sets of circumstances that make the action of committing an offence more likely. While this description would not fit neatly into a Rational Choice model, it could be argued that in application to the ‘choices’ there is some level of awareness of consequences, one of those potentially being an offence. If this ‘choice’, or each subsequent ‘choice’ is viewed as a standalone decision, and the guide for rational behaviour is applied then this choice could fit within a bounded version of the model.

Both individuals above describe their thoughts leading up to the actual moment of the action of the offence. However, whereas the first, acquisitive offender describes a thinking process by which she puts in place practical measures to ensure the highest probability that the offence is a success, the violent offender describes a set of choices that results in the highest probability that an offence may occur. Far from being unaware that this is happening, an offender may be able to explicitly describe how the choices, prior to the offence, led him to be in a set of circumstances, that for him, make the commission of an offence more likely. Whereas the acquisitive offender seems to move from a consideration of various actions to a state where an offence is decided upon then the violent/emotive offenders’ choices lead

simply to a situation where the offence is more likely. This difference may go some way to explaining the differences between the groups highlighted earlier.

Section 3.3.1: Rational and non rational within the same individual

Before the relevance of this evidence to previous research and any further conclusions are drawn from the apparent differences in the two ‘groups’ of individuals interviewed for this study, it may be useful to examine where these narratives do overlap. Throughout the evidence presented within this section, different ways of thinking have been illustrated from the impulsive, ‘blank mind’ type of experience, to the meticulous planning and thinking of some acquisitive type offenders. There is evidence in some narrative however to suggest that both of these behaviours, impulsive, and rational, can exist within the same individual. Many of the offenders had been guilty by their own admission of committing a mixture of acquisitive and violent type offences in their past that they may or may not have been convicted for. One offender (code08M) specialising in well planned and complex armed robberies has a parallel record of violent assaults, mostly committed while he was in custody. The same individual is capable of spending weeks or months planning an offence, but can commit a violent offence in high security custody, where the chances of discovery are very high. Consider these excerpts from the same offender interview

“Stake out the office where they keep cash for a few weeks to see when the money is taken. Go and loosen the hinges on the door. Then on the day go to the cashier office and kick the door in.” code08M

“I (have) spent about 30 odd years in prison. Every time I am in, I am fighting so I was always in solitary confinement. Last time I went to Dartmoor and I broke my jaw,

busted my wrist and broke my eardrum. 2 years on top (of my sentence) just because I pushed someone and they fell downstairs, but I came off worse.”

The contradictions within this case are interesting. Additionally, the same offender asserts his preference for Prison over being under Probation supervision, saying of his licence

“I am on a final warning again (with Probation), they will send me back inside. I would rather be inside. They (Probation) try to control me and won’t give me any space. I need some space. People watch me doing things.”

This individual clearly feels more comfortable in custody than living in the community, though his assertion that Probation supervision does not allow him ‘any space’ and he is ‘watched’ is interesting when considered against the amount of control exerted over Prison inmates. Further examination of the individual’s interview transcript begins to suggest why this may be.

“It is harder being out than in prison. People in my face – I can’t switch off and I have a bad temper anyway. I spent 4 years in solitary on the Isle of Wight. 4 years without going outside. I came out and my head was done in.”

“I can’t do it. I can’t read and write, I can’t even tell the time at 50 years of age”

“I like to be by myself. I don’t trust people I like to be by myself.”

Looking at the statements above, the reasoning behind this man’s preference to incarceration, as opposed to community supervision may be easier for an observer to understand. This offender expressed his anxieties about being surrounded by people, and of interacting with people. For such an individual, preferring a controlled and limited environment may make sense. This consideration may also make sense of the violent assaults committed within the

Prison – an action that is not only likely to increase the prison term (reducing the offender’s anxiety about dealing with people) but also, potentially as he expressed, the potential for solitary confinement, which further suits the individual’s preferences.

In a similar vein, there are many other individuals who through the course of their interview expressed a mixture of rational, planned offences and other, less apparently (to the observer) rational offences. One offender planned a burglary while visiting an acquaintance

“I was in a strange place, the house belonged to a friend and once I said ‘should I shut the window?’ And she said ‘no leave it open for the cat’ so I knew I could get in.”

code31M

He also describes how he took advantage of knowing his cousin was on holiday to burgle his house. However, the same offender describes committing violent offences on the spur of the moment.

“After I fell out with my mate he (the victim of a later burglary) said I could stay with him. A few kids in the estate knew he (the victim) was gay and were hassling him, and I saw one of the kids and said ‘listen don’t be like that, leave him alone.’ It carried on anyway and one day I threw a kitchen knife at one of them.”

This individual describes his guilt at behaving in that way and throwing a knife at a child, but justifies it by claiming to be defending his friend, and also by saying

“I was drunk that day.”

However, after leaving for a few days while things ‘died down’ the offender returned to discover that his friend had thrown him out due to his actions.

“I left the flat, come back a couple of days later and was evicted. So I thought right if I’m evicted I need some money so I took the DVD player.”

The individual describes how he decided to steal from his former friend’s flat after finding the friend wanted him to move out.

This spur-of-the-moment decision to throw a knife contrasts with the planned nature of the burglary described above. However, it then appears that the subsequent acquisitive offence, was committed again as a result of a quickly made decision. This individual’s balance of rational and non rational behaviour is further made intriguing considering his most recent, and most serious offence. The offender pushed a victim from a high sea wall, causing his victim serious spinal injuries. The offender describes his lack of recollection of doing this.

“It was a nice day; me and mates had gone to the Job Centre then gone down to the sea front. We got some beer in and seen a group of moshers (heavy metal fans) jumping off the sea wall and rolling in the sand. So we had all had too much to drink and we thought yeah we’ll do that too so we got to look over the edge and it was a 30 / 40 foot drop and I thought I’m not doing this, now I don’t know whether I did this or not. I remember going to the toilet and coming back and looking over and seeing a lot of people there, but I don’t know whether I’ve done it or not you see so apparently I pushed him off the sea wall but instead of rolling he’s landed on his feet, and jolted his back.”

The individual is uncertain here of his responsibility, and certainly does not describe any forward planning or rational intent to this offence. However, on examining the transcript (and later the official data) the offender reveals that the victim of the assault was the same man who had evicted him from the flat. Though the offender claims no reason as to why this

assault may have happened, the victim being the same person in both cases is interesting. This would certainly give reason for further consideration to the observer that there was a connection between the offender being evicted from his flat and the later assault on the owner of the flat, though it is important to remember that the offender himself did not voice any connection on this subject.

It certainly seems to be the case that individuals do display a range of behaviours, both rational and non rational. As stated earlier, a large number of the individuals interviewed had a previous offending history that included one or more atypical offence for that individual: that is, many of the offenders classified as 'acquisitive' based on their most recent offence, have one or more violent offence in their history, and equally, many of those with predominantly violent type offences can also have the occasional burglary or shoplifting offence in their history for example.

One example of this existence of the 'non-rational' and 'rational' within the same offender is a woman with a long history of pre-planned offences intended to achieve monetary gain. This individual describes her typical offending

"I always planned to get lists of what people wanted me to get for them, I knew I wouldn't be able to get rid of some stuff but there were always some things you knew you could always get rid of like CDs, DVDs. Things like that I would always take.....You have to do something to get the money shoplifting is the least worst it isn't as personal. Then when I was in London in one period I used to pretend to be a prostitute and take the punters' money but people found out what I was doing and people (started) getting violent. I don't want that." code12F

This individual is clear that she wants to get money, and is equally as clear about describing the different ways in which she attempted to do so. This narrative extract would certainly fit within the 'rational offender' model, illustrating exactly how this particular individual weighs up the best way of achieving her goal. However, this woman also has a violent assault to her name. She describes what happened...

"I went into Littlewoods to look for some bras for (a friend), I didn't realise the security guard was following me. I went to the bus stop to get the number 10 and I got the two security guards stopping me, and (they) said that I have taken goods from Littlewoods and they wanted to check my bags. I hadn't taken anything so argued with them for a while and then just to get away I started to take things out of the bag to show them. Just then one of them dived on top of me and pushed me into the street and started pushing me I just flipped. One of them shouted she's a junkie she's probably got AIDS the bastard. So when he said that I really lost it. The police came and charged me with affray and claimed that I try to give them AIDS that even though I haven't got it." code12F

The details of this assault reveal that the offender had scratched and bitten both the security guards and a Police Officer in a violent attack. As this individual states, she began by acting rationally, showing the contents of her (innocent) bag to the guards before she 'flipped' and attacked them. The use of the term 'I just flipped' and 'I really lost it' are at odds with the shoplifting description of planning and stealing to order. This dichotomous behaviour is similar to that seen in the offender described above whose offence of choice, armed robbery, necessitates extensive preparation and planning, but also commits violent assaults in prison. There are yet other examples; another man has a mixture of theft offences and violent assaults. Of his shoplifting offences he says...

“Yeah – that’s there, I want it, I’ll take it. Simple. I would never take something unless I could get it sold though. If someone said I needed a new laptop I would get it for them.” code24M

He also describes a violent assault on a female friend, then a Police officer.

“This bird spat in my face and just totally I lost it. I didn’t hit her but gave her loads of abuse and the Police came and I barricaded the door and a Police Officer got hit by the door and ended up getting hurt.” code24M

Once again the contrast between the logical statements made in the first example and the phrases such as ‘I totally lost it’ in the second seem to give a high contrast view of different aspects of the individual concerned.

Section 3.3.2: Rational and non rational within the same offending event

From this limited sample of offending individuals at least, it seems that there is in fact evidence in the narrative to suggest decisions are being made, as well as occasions where a decision does not appear to be made at the point of offence commission, and that both commonly occur within the offending history of the same individual. In fact, looking back to a transcript examined previously in this chapter, it appears that even within the commission of one offence, it is possible to exhibit both rational and apparently non rational behaviour.

An individual described earlier, (code27M) was prosecuted for a serious assault on his partner. He described leaving the pub one afternoon to look for his partner.

“I went outside and saw her necking some bloke. I saw red and went for her.”

code27M

With this action he has committed what from the outside to an observer seems like an irrational action, in which the offender described himself as ‘seeing red’, but even as this was happening he recalls having a clear thought

“I went for her, not him. He ran away fast, and besides, he was bigger than me.”

Section 3.3.3: Rational and non rational within the same offence type

The development of Rational Choice Theory to include a variety of costs and benefits led to a call for an ‘offence specific’ theory for each different kind of offence. Cornish (1993) points out that Rational Choice Theory is a theory of the criminal event (committing an offence) rather than a theory of criminal ‘involvement’, beginning with a decision rather than an individual (Cornish and Clarke, 1987). However, as the results from these narratives show, there are different ways at looking at the commission of an offence, depending on which individual is speaking. There does seem to be evidence that some individuals are making a decision which would fit into the Rational Choice Model, but also, there are other offence descriptions that would suggest no decision is being taken specifically related to the commission of the offence. Both these phenomena appear to occur between offence types, and both between and within individuals. Looking back at some of the evidence, it is possible to begin to examine how similar offence types, may be carried out for different reasons.

Consider the following

Shoplifting: A female individual describes why she shoplifted, despite it being the last thing she wanted to do...

“I was in a violent relationship, It got to the stage though, (where I was more worried about) what he would do if I didn’t go back with something.” code01F

Contrast the above statement with that below from another female offender, who seemed very proud of her shoplifting success.

“I did it for nice stuff, and for money. I got satisfaction - I got away with it for 15 years – it was something, the only thing I was good at. I got satisfied through that. I was an expert. I had practice – if you go to one of the shops that are difficult – M&S, BHS – get away with it – have a good graft – you felt good afterwards.” code02F

Although the offences were the same, shoplifting, it appears that the reasons these individuals decided to commit them were very different. It appears that the first individual was motivated by fear of reprisals at home from her partner, the second by obtaining goods and money. Another example of two similar offences, with very different apparent motivations is the offence of assault. The first example of assault, was committed by an individual first quoted above, who commits violent assaults in custody, to delay his release

“I (have) spent about 30 odd years in prison. Every time I am in, I am fighting so I was always in solitary confinement. Last time I went to Dartmoor and I broke my jaw, busted my wrist and broke my eardrum. 2 years on top (of my sentence) just because I pushed someone and they fell downstairs, but I came off worse. It is harder being out than in prison. People in my face – I can’t switch off and I have a bad temper anyway. I spent 4 years in solitary on the Isle of Wight. 4 years without going outside. I came out and my head was done in.” code29m

Compared with another assault, which apparently had an entirely different motivation

“It was New Year's Eve hours at some house at a party. My girlfriend was working so I was there are my own. It was her friend’s house. Some guy sexually assaulted me so went out after him after a got kicked out of the house and really went down on him

and nearly killed him by hitting him across the head with a full can of beer and lost it I mean I'm not a bad person but the way he made me feel was so horrible and nearly killed him.” code21M

Both of these individuals were convicted of assault, but the feelings associated with each event are reported very differently. Once again, a similar offence type, once examined more closely, appears to have distinct points of difference. If an ‘offence specific’ theory was to be developed, it would need to explain all offences of the type concerned – but with the evidence reviewed here, it would be difficult to see how this could apply, when different individuals have such very different reasons for committing a similar offence.

Section 3.4: The effects of alcohol and drugs

One theme that emerged strongly from the data was the extent to which individuals were affected by drugs and alcohol in their offending. These substances were revealed variously as the reasons for the offending, the enablers of the offending, and the causes of being caught. Many of the actual offences committed were by type associated with substance use, such as possession of drugs or drunk driving, but the influence of these substances appears to pervade many different types of offending.

Alcohol in particular is associated with assaults and other disorder offences, (Home Office Statistical Bulletin 11/09 vol 1) and this factor certainly seems to be a strong theme emerging from the narrative. Consider the following statements:-

“I have a string of convictions, when you look at it like that it is 3 or 4 pages the string of convictions. Not one of them was committed when I was sober.” code01F

“I had been out drinking all night. Every time I get in trouble it is because of drinking.” code01M

“I have been to court 10 times and 9 of them have been through the drink.” code 27m

Alcohol and impaired decision making

Drink alters me

It would certainly appear that use of alcohol is a recurring theme in many of the offending actions experienced by the interviewees in this study. Given this level of alcohol related offending, it is illuminating to examine what these individuals say about exactly how the alcohol influences them and their behaviour. One woman, convicted of stabbing her partner describes how alcohol influenced her.

“I met my partner in alcohol rehab and we were together for a year and had just got engaged but what he tended to do, you see I’m not an angry drunk – if I am provoked I can get verbally abusive, same as anyone, but in general it tends to make me emotional. But not aggressive.” code08F

Another individual describes how using alcohol affected his temper.

“It is easy to see looking back to understand how I lost my temper. I lost my girlfriend and home and Mum. A lot of it was to do with drink.” code21M

Another offender confirms their experience of alcohol and temper being linked.

“I can control my temper when I am sober. The drinking pushes me over the edge. Drink is like a trigger. I am on a course, so I know that it isn’t the drink that does it

(the offending), it is me. I am not allowed to blame the drink. But it is the drink.”

code27M

It would appear that for these individuals, alcohol affected how they felt both in terms of the intensity of their feeling (making them ‘emotional’) and also affected their temper. Other individuals described how alcohol affected them in different ways. The individual below, convicted of robbery and assault, describes how his intoxicated state affected his judgment.

“I was drinking alcohol, out one night with me mates after drinking all night. I saw these lads and thought I’d ask one for a ciggy and erm he had none so I put my hand in his pocket to search him and he spat and it went on me and because I was drunk I thought he had spat AT me, so I gave him a good kicking, so I was charged with attempted Robbery and Assault.” code 34M

One individual described in detail how he understands how alcohol will affect him and his behavior.

“I just shouldn’t drink. If you know something is on your mind before you start, you shouldn’t start drinking you should just think. If you are annoyed or unhappy the drink will make it worse you are going to get wound up and flip. Make you worse. You should learn by your mistakes and think ‘before I have this drink and am I gonna be OK, how drunk am I gonna get?’ code12M

This individual goes on to state

“It is about reading situations to avoid trouble but you can’t do that when you are drunk.” code12M

Again, the realization that judgment is impaired through drinking is not uncommon for the individuals in this study sample. One female offender describes the difference between her sober, and her drunk, as a 'difference in logic'. She describes a scenario where she is so drunk she has collapsed to a sitting position in the middle of a busy main road in Liverpool at night.

"I know now he (the Police officer) has to come and see me, I might be sick. The logical me when I'm sober tells me has not going to leave me sitting there on a main road but the logical drunken me thinks differently. It still logic but it's a warped logic. I am doing no harm to you so why are you hassling me – go away. That to me is logical when I am drunk, it is not logical when I am not. The next morning I say the bloody stupid woman, you have done it again, but that's how it goes. It is the difference in logic." code01F

To this individual, her thought processes while drunk seem to be making sense to her. Her motivation is to be left alone to feel better, but once sobered up, she understands why she cannot be left alone in that state.

Alcohol as a catalyst

It only happened when I drank

Other individuals describe the effect of alcohol as almost like a catalyst, making situations or behaviors 'happen' that simply would not be possible otherwise

"The street robbery only ever happened when I was drunk, it wasn't planned. If I was out and saw the opportunity I would just go for it and thought why not? Cars I always

nicked for the buzz, but the street robberies were for whatever I could find. Cos I needed to.” code02M

In this case, the offender quoted above would only commit street robberies when drunk, and desperate. Other individuals describe how drinking makes things happen, almost without any reference to their feelings (of desperation or otherwise), as if the alcohol was acting independently of their motivations.

“It was mostly alcohol. Me and my girlfriend we get on great, but when we get drunk together something always ends up happening.” code15M

Some individuals interviewed went so far as to say that the alcohol was such an overwhelming influence that they were unaware of what was happening. One woman describes how she discovered she had assaulted her Mum when she sobered up.

“But not my mum! I’d never hit my mum, but on that cider you don’t know what you are doing. I have had blackouts. Did I do that last night? Food I can’t remember eating, total blackouts.” code10F

One male offender describes how it feels as the alcohol takes over.

“Drunk - drinking then drunk and a mist comes down. Don’t remember.” code27M

Lack of memory of an event is a recurring theme, which in some cases is claimed to last a long time

“I don’t remember if I did it all cos of the drink. I wasn’t too smashed but enough that I am not sure.” code31M

“I stabbed my husband in 1970. I have no recollection of it to this day, and he wouldn’t give evidence. The first recollection I have of it is waking up in a police cell with the cell door open and a police man outside and thinking ‘why the hell am I here’ and they tell me I stabbed M and I just went absolutely hysterical and I was terrified. I was covered in blood, part of it was M’s and part mine.” code01F

It would certainly appear that alcohol is a strong influence in how offences happen. From the forty six interviews carried out within this study, almost one quarter (twenty four per cent) of the individuals identified their offence as being directly related to having drunk alcohol (Thirty three per cent of the female sample and twenty per cent of the male participants.)

However, an even more prevalent issue was that of illegal drugs, which thirty five per cent of the sample identified as being related to their offending behaviour (forty two per cent of the female sample, and thirty one percent of the males).

Drugs and impaired thinking

Drugs alter me

As described earlier in this chapter, obtaining money for drugs was a main motivator for many individuals. However, as well as being the motivation for offending, they can also in fact hinder the successful execution of an offence. Several individuals described how they found it more difficult to plan an offence while using drugs heavily, one individual simply stating

“The drugs stop you making the decisions.” code21M

Several described how use of drugs had impaired their judgment, and therefore their ability to carry out a successful offence.

“You start (to) think like a smackhead. It affects you mentally and physically.”

code05F

One individual, committing an assault on a minor for a mobile phone after smoking crack cocaine, blames the drug for impairing her judgment, after being offered it by an acquaintance

“I shouldn’t have gone into her house, I had never really connected with her. I shouldn’t have gone there. It was the wrong decision to go instead of phoning (her daughter) and another wrong one to smoke the pipe. It makes you paranoid.”

code03F

Drugs / alcohol make it happen

It is useful to note that in addition to individuals reporting that drugs had affected their judgment, there are other individuals that just as strongly feel that they need the drugs to restore their thinking skills. One shoplifter says

“No way could I go grafting without having anything. I always made sure I would save something to wake up to. Most of the times I have been arrested is when I have been greedy – smoked everything the night before and woken up to nothing – gone out desperate – withdrawing or getting there – and walked in a shop and lifted- not thinking.” code05F

Another female shoplifter agrees

“If I had a good day I would keep some money back, not spend it so that I could buy some more (heroin) next morning. It is difficult to think straight in the morning without having any and as you will going to go out again that day (to offend) you

need to be thinking straight so I always make sure I had some ready for the next morning. The time I was nicked was because I haven't had any, wasn't thinking straight, wasn't concentrating.” code12F

These individuals are not claiming that using drugs enhanced their abilities in any way, rather they are saying that due to their reliance on drugs, their performance when they had not had any was compromised. Another individual states this problem succinctly

“You just need a bit, then you feel alright so you can force yourself to get out of bed and get dressed. You had to have a bit to get you going.” code06F

In addition to using drugs in order to restore the ability to think and plan, and feel ‘alright’, there is also evidence within the interview narratives that different individuals use drugs or alcohol to actually enhance their ability to commit an offence. One male interviewee described how his friend had persuaded him to help with a burglary, an offence with which he was not familiar.

“I did it with him (the friend). We had been drinking and he persuaded me. I was shitting myself, so on the night, I had to have a drink like, cos I was shitting myself and I needed to chill out.” code02M

This individual describes needing a drink to relax him, fearing that his nerves would cause him to make a mistake during the burglary. Another individual describes using cocaine before offending.

“I have got a long history of offences. Yes, violence, a bit of theft and that. And burglary. That was the worst one, I always took a bit (coke) before that. It makes me feel stronger.” code25m

It is clear from this review that alcohol and drugs are a powerful factor in terms of an individual's offending, whether making up the main benefit, or goal, of an offending action, or due to the way they affect an individual's judgment (for better or worse) and their decision making skills. Whether substances are the cause of the offence through altering behaviour (such as raising aggression levels) or through being the main outcome of an offence (such as shoplifting to make money to buy drugs) they are clearly a pertinent issue for consideration in any theory of decision making to the commission of crime.

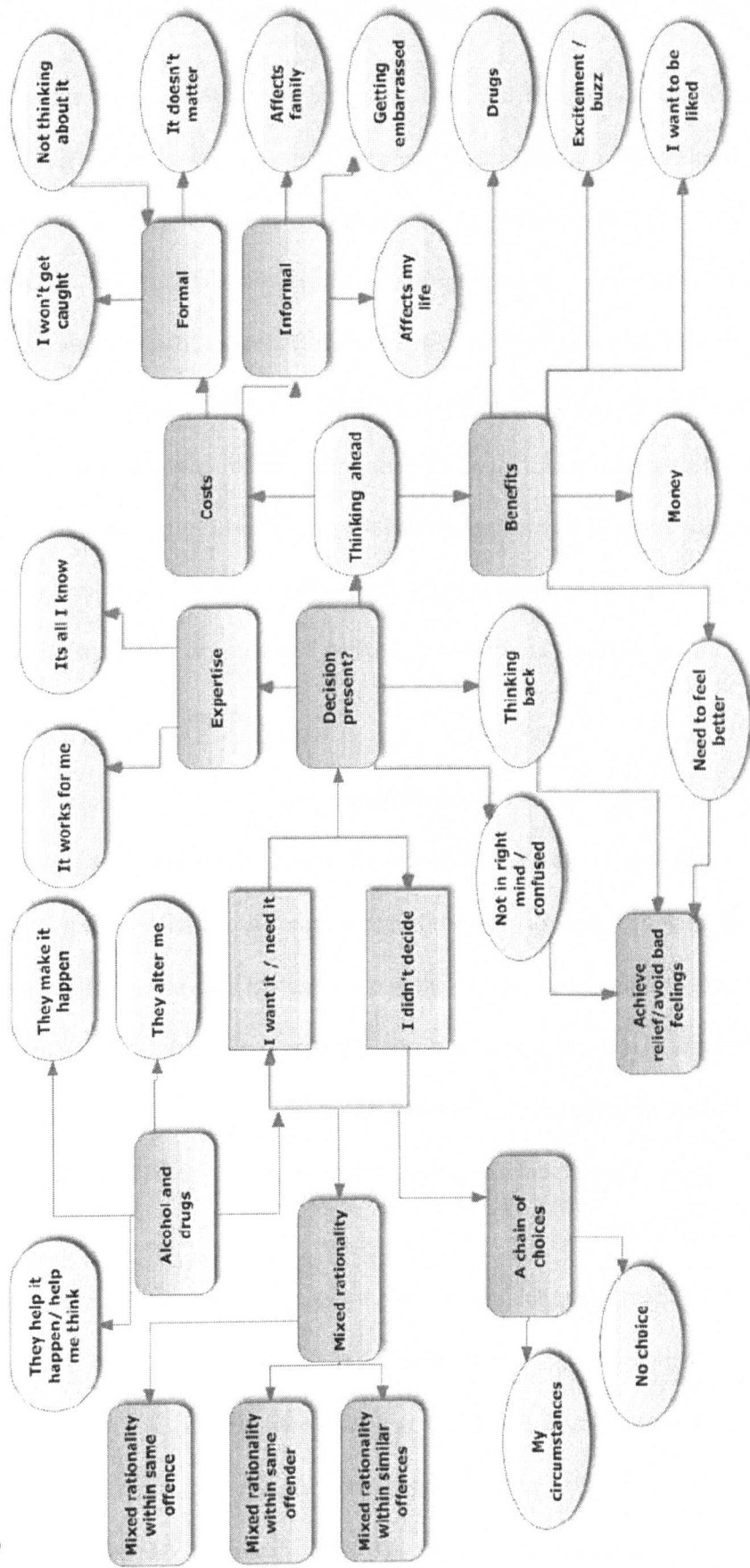
Section 3.5: Review

As well as the insight gained on the role of drugs and alcohol, the evidence within the interviewee narratives provides a lot of interesting material regarding why individuals commit their offences, and what factors are at play when a decision appears to be taken. Themes have emerged from the analysis of both acquisitive and violent/emotive offender categories, and have been presented with supporting narrative to illustrate how the themes have been developed. In the coding of data, a theme map was created, illustrating the different concepts appearing within the narrative, and how they appeared to link together.

Figure 3.1 overleaf depicts this theme map, illustrating the differences in themes emerging from the individuals categorised into acquisitive and violent/emotive offence types (depicted as 'I want/need' to represent the acquisitive type offences, and 'I didn't decide' to represent the violent/emotive type) along with the concepts that relate to each category. On the left of the map, however, are themes that appear to relate to all offending decisions within this study, the mixed nature of an individual's rationality, and the effect that circumstances will have on their choices. This theme map presented, and the evidence supporting it has

begun to describe some of the patterns emerging from the data, but how do these patterns begin to come together to add to the pool of knowledge about how an offender makes a decision? Chapter 6 will review these findings in light of previous research, and examine the extent to which a Rational Choice Theory of offending applies to the accounts presented here.

Figure 3.1³



³ Within Figure 3.1, the rectangular shapes indicate the dividing feature emerging from the group, i.e. participants say they did or did not make a decision. Circles and ovals represent ideas and themes emerging from the narrative, and rounded rectangles represent research concepts that emerged from these themes.

Chapter 4: The Probation Officer Narrative – The OASys assessment

As described earlier in this thesis, the OASys system is a standard assessment, recording and monitoring process developed with the National Probation Service and the Prison Service, which assists staff in conducting risk assessment and assessment of needs of offenders. The system achieves this by asking a series of questions about the offender him- or herself, and about his or her offending history (in a section which the Probation Officer completes). Factors included in the assessment are accommodation, employment, financial management, lifestyle, relationships, drugs/alcohol and thinking/attitudes. The section of the OASys assessment used for the analysis to be reported here is the '*offence analysis*' section, which contains a description of how the offence happened as recorded by the Probation Officer. This brief section simply asks the Probation Officer to record their understanding of the details of the offence.

In order to add a validity measure, this Probation Officer completed record was added as a comparator to the offender record in order to examine these details for concordance. While it is the experience of the individual committing the offence that is central to this research, a match between the observable elements of an incident (such as time, place etc) between both parties' accounts would suggest that the self report of interviewees regarding these incidents was truthful. An offender assessment is completed by the Probation Officer at various stages throughout the duration of the Probation Service's contact with an individual. In many cases, an assessment such as this will be carried out for the purposes of writing a court report. An assessment is always carried out (for eligible offenders, see below) at the start of a Community Order or on release from custody to Licence supervision. A Probation Officer will base his or her assessment on a conversation with the individual, but will also have supplementary information such as Court Documents, Police Reports and in some cases prison records to assist the analysis. With these documents,

the Probation Officer should be able to accurately record the offending event in terms of the 'observable details' accurately, giving a good comparison to the individual interview narrative.

From the forty six interviews that took place with offenders, it was possible to obtain OASys assessments for 37 of the individuals. Where there was no assessment available, this was usually due to the nature of the individual sentence (as certain sentence types are not assessed) or the fact that the information had been claimed by another Probation Area, and was no longer available for research. The second section within the OASys assessment requires the assessing Probation Officer to give a brief analysis of the offending events, and identify any pertinent factors. The exact text reads "Offence analysis: details: Please indicate exactly what happened, where, when and how."

In order to assess the veracity of the interviewee accounts of what took place during the offending event in question, Probation Officer OASys accounts and individual accounts were compared on several factors.

- Where and when the offence happened
- If anyone else was involved (such as a co-offender)
- The nature of the offence (offence type), and the target of the offence (if material or non material)
- Any identified victim

In addition to these 'observable' elements of an offence, the accounts were also compared for evidence of

- Attributed motives for the offence by both parties
- Perceived, or ascribed 'rational' elements
- Perceptions or attributions of causes of the offence as internal, or external.

These final points of comparison were included not as a test of concordance between accounts, but in order to capture the differing views of the ‘reality’ of an offence between the offender and Probation Officer, in order to explore the differences and similarities in these views, and the extent to which a ‘decision’ to offend is perceived as taking place.

Offence Concordance

Table 4.1 illustrates the extent to which the ‘observable facts’ of the offence are described in the same way by the offence actor and the Probation Officer Assessor. This table contains the data for the thirty seven cases for which there was a valid assessment.

Table 4.1

	Where the offence happened	When	Who with/alone	Type	Target (if material)	Victim
Matching details	36	36	37	36.5	36	36

As the table above shows, the concordance rate on ‘observable facts’ between the individual account and the Probation Officer account is very high. For one case only, the offence details entered into the analysis section by the Probation Officer focused on a shoplifting offence (which had not in fact taken place, as claimed by the offender) but did not discuss an assault offence (on the same day) which was the more serious of the two, and was in fact recorded in the case details within the OASys assessment. This may be a clerical error, but alternative explanations are discussed below. Aside from this one departure, the other incidents were all reported accurately by both parties. There is a score of 36.5 given within

the 'type of offence' category as one OASys assessment recorded two types of injury caused within an assault on a Police Officer (an attempted strangulation and a bite) and whereas the offender denies the strangulation, she freely admitted the bite.

The level of concordance between these two sets of records is encouraging. This measure was introduced as a verification technique to investigate the truthfulness of the accounts being shared by interviewees, and while it is certainly not possible to assume from this information that every element of the narrative from interviewees was true, it certainly appears that to the extent of those 'observable' elements of an offence this could be said to be the case. Of course, the purpose of this study is to investigate whether an individual makes a decision to offend, and if so, whether that decision is rational. To this end, the concordance between the 'observable factors' is helpful, but far more illuminating is the similarities and differences between the accounts in terms of the last three items listed above, motivation, rationality, and attributions, for what they illustrate of the differences between how the individual experienced the process of offending, to how an understanding is constructed by an outside 'observer'.

Section 4.1: Motivations, attributions and ascribed rationality

In general, the OASys sections completed by the Probation Officer were very concise, and contained only a synopsis of the events. This was far more common for those offenders convicted of an acquisitive offence, where analyses such as that below are common.

“She has a history of acquisitive behaviour in order to fund drug use. This offence is similar in pattern.” (PO code 11, offender code 11F)

The above analysis refers to a shoplifting offence committed by a female offender. This is in fact entirely in line with the narrative of the offender herself, but of course the offender is able to give a much richer detail on the nature of her offending and the circumstances around it. A similar analysis given by another Probation Officer follows

“X offends to support her dependency on cocaine and heroin. Shoplifting is her preferred choice.”(PO code 05, Offender code 05F)

While these narratives are indeed succinct and perhaps appear to be unhelpful in terms of understanding the wider reasons behind the individual’s offending, these statements do begin to hint at the Probation Officer’s understanding of the progression of the offence – a clear need (drugs) and a clear outcome (shoplifting) is presented. In the second example listed above, the Probation Officer statement

“Shoplifting is her preferred choice.”

suggests rationality on the behalf of the offender, by stating that the type of offence (shoplifting) is both a choice, and a preference. The statement of a clear goal (to gain drugs, or money for drugs) is also present. A Probation Officer narrative for another shoplifter states

“This offence was theft from a shop – (and also) a breach of Community Order as X could not see the point of attending Probation. Theft in relation to goods stolen from a shop in order to purchase goods. X accepts responsibility but justifies her actions in terms of needing drugs.” (PO code 06, offender code 6F)

Again, this PO narrative clearly expresses that the individual’s offending had a clear goal, which is to buy drugs. This extract goes slightly further – as the concurrent offence was also a breach of the Community Order that the individual was subject to. Interestingly, although the woman concerned agrees that her shoplifting is in the pursuit of drugs, she also

states that the reason she does not attend Probation when it is given is it that it cannot help her with her drug problem – she will still need the drugs.

The individual in question says

“It did my head in as well but I had to do it you know what I mean? To get the drugs. I thought every day I am sick of this, but I had to go out (and shoplift).

If it wasn't for needing the drugs I probably wouldn't have done it, or if I did it would be a one off. Say for instance my son needed something I would go out and get it – but not daily.” Offender code 06F

Clearly for this offender the drugs are the reason for her offending, but she also says.

“There is no help, apart from maybe DTTO (Drug Treatment and Testing Order). The Shoplifting never harmed anyone, and if you get caught it's only a few weeks in jail. I don't think I could stick to a DTTO – it's too hard going in every day.” offender code 06F

The Drug Treatment and Testing Order (now renamed Drug Rehabilitation Requirement) is an intensive sentence delivered within the community in which an individual must attend each or most weekdays to submit to regular drug testing, medical treatment and Probation supervision, as well as other activities such as group work. The offender quoted here feels that she would not be able to cope with this, but this fear is not communicated by the Probation Officer in his narrative. This may be due to the fact that the individual has not discussed this with him, or he has just not written this fact down. It is also feasible that this is simply not recognized by the Probation Officer as an issue, in fact it seems that the Probation Officer perceives the main obstacle to the offender as her unwillingness to engage with her Probation supervision, an example of a Probation Officer perceiving the control of the

situation as lying within the offender. The corresponding interview narrative suggests that this control is not felt by the individual, who describes a situation where she is compelled to offend to achieve the drugs she needs despite the fact she would rather not do so.

Though the narratives of the offender and Probation Officer, though brief on the part of the latter appear to agree in terms of the nature of the offence and the reason for it, as more detail is added by either party, the differences in narratives become clearer. In the example above, the nature and perceived cause of the offence are in agreement, but the discussion of drug treatment suggests either a miscommunication between the two parties, or a gap in the analysis reported by the Probation Officer. In a similar way, when more information is added to the analysis of the offences of offender code 11F above, it reveals a discrepancy between the two narratives. The female offender describes her offending history as being long, and fairly successful, and all centred on shoplifting

“I were doing it a long time. About 10 years. I nicked all sorts – anything and everything. Tellies, videos, anything. You wouldn’t believe what you can walk out of shops with. Depends what people want. People gave orders.” (Offender code 11F)

However, the most recent offence committed by the offender, for which she had been prosecuted, was Assault of a Police Officer. This was not typical for her offending history, and stands out as the only violent offence. She describes how it happened.

“I didn’t pinch anything, it was a girl I was drinking with she had stuff, it was sat there on the floor I didn’t see it. The Police saw it and I am nicked for shoplifting, I used to do it (shoplift), so they saw the stuff, put 2 + 2 together and came up with 10. They started getting funny so I kicked off.” code 11F

The individual offender clearly admits responsibility for this violent offence, though not for the shoplifting offence which was alleged to happen on the same day, despite the violent offence seeming out of character. However, regardless of this departure from the individual's offending pattern the offence analysis in the assessment by the Probation Officer still refers only to shoplifting. It is unclear why this may be the case as there is no further qualifying statement in the relevant section. It is true that this offender's history is strongly biased towards shoplifting, as the Probation Officer states

“Shoplifting is her preferred choice” PO code 11

Though clearly it is not the only offence the individual has been involved in.

As we continue to examine other types of acquisitive crime and the degree of concordance between details and analysis of reasons for offending between them, it appears that the facts and motivations, that is the goals the individual intended to achieve through the offence, described by both parties do match for the most part. However, as seen above, the explanation given by a Probation Officer of offending being carried out for money, or drugs, while true, may also be less than the whole picture. Where the woman above is concerned, the standard Probation Officer response holds, but omits the one departure from the usual offending history. Though there is perhaps not enough evidence within this study to answer the question, nevertheless, it is worth asking whether there is a tendency for a Probation Officer or other official to resort to this as an 'easy' explanation in terms of their understanding of the case. While the offender asserts herself that drug use was an influencing factor in her offending, there is more to the analysis than just this.

The question of which audience the Probation Officer is writing for is also a consideration: Delivering a message to a magistrate may influence the nature of the offence analysis and the way information is presented. The use of the 'drug as motivation'

explanation is a line of reasoning that is well known to magistrates and may be used by a Probation Officer in order to enhance the probability of a sentence more focused on meeting the offender's needs in order to help change their behaviour, such as obtaining a drug treatment order which may be more beneficial to the individual, rather than a short custodial sentence. The question of how a Probation Officer interprets the information they are given, both by the offender, and from official documents, in order to recommend a sentence to a court or develop a sentence plan for the supervision of an offender is beyond the scope of this study. However, this question would be a natural development of the investigation into working with offenders' decision making, as obtaining a useful sentence in court tailored to the particular individual would be dependant on understanding how the offender arrived at their offence.

This consideration aside, it is difficult to determine how an analysis of drug motivated acquisitive offending would in fact satisfy any audience of an assessment prompted by the commission of a violent offence. In identifying the pattern of drug motivated offending the Probation Officer has essentially captured the issues that the offender herself identifies as central to her behaviour, but whereas the individual goes on to describe why she became violent, this element is neglected in the official assessment. The interviewee begins to describe the violent situation as growing from a sense of frustration, or perhaps injustice, that she was accused of an offence that in this case, she had not committed. The individual states that she 'used' to shoplift, and was annoyed to find herself being targeted when she had, perhaps, begun to make changes in her lifestyle.

"I was with friends. She ran off when she saw the Police, so she had obviously done something. I didn't even know the stuff was there but because of my past records they did me. I used to use drugs but wasn't when this happened. I shoplifted in the past, about 18 Months ago so they all knew me." code11F

From this analysis, the factors making up the individual's decision to act, or "*kick off*" begin to become evident, and this would make a useful starting point for working with this individual to enable her to manage these situations should she remain motivated to refrain from shoplifting.

When extending this comparison to other acquisitive offences, the 'offence analysis' benefits from a generally more in-depth overview by the Probation Officer. Concerning a male offender involved in street robbery, the individual himself says

"The street robbery only ever happened when I was drunk, it wasn't planned. If I was out and saw the opportunity I would just go for it and thought why not? Cars I always nicked for the buzz, but the street robberies were for whatever I could find. Cos I needed to." code25M

In contrast, the Probation Officer writes

"Robbery and assault. Defendant took cigarettes and baseball cap by force from the victim. An hour later, assaulted 2 other victims after getting into a dispute with them after asking for cigarettes. Defendant was heavily under the influence of alcohol at the time of these offences." PO code 25

These narratives agree on the nature of the offence, but also on the primary factor identified by the offender, that is, the alcohol. The offender agrees elsewhere in his narrative that he committed offences to obtain fairly minor items, as confirmed by the Probation Officer in the most recent case.

"In the street robberies, (I took) mainly bit of money and phones, stuff like that." code 25M

A notable difference between the offender and Probation Officer narrative however is the use of language. The Probation Officer narrative contains official terms and labels such as defendant and victim. While it would be unlikely that an offender may refer to himself as a defendant, the use of the words 'assault' and 'victim' are words that do not appear in the narrative of the offender at any point. This is a revealing difference, which will be returned to later in this chapter. For the moment however, the further examination of the Probation Officer narrative on acquisitive type offences begins to reveal some illuminating contrasts. Offences such as shoplifting and some street robbery have already featured in this analysis, but what of the other acquisitive offences? Just as with the acquisitive offences above, it seems that in factual content at least, the other acquisitive offence narratives are comparable. One offender describes how he targeted his former employer for burglary after he had not been paid for the last two weeks of work.

"I was working in Blackpool in security for about 20 weeks. I was getting paid fortnightly, and the last fortnight he didn't pay me and got off and left. I found out he had moved to Skem (Skelmersdale) so I went down there and went through his window at 1:00am and robbed him." code28M

The offender clearly describes the effort he went to target his former employer, both apparently for revenge and to retrieve his money. The Probation Officer seems to see it the same way.

"X had been working and his employer did not pay him what he had been owed. In order to get the money he burgled his ex employer's house and demanded the money." PO code 41

On first examination, these analyses seem similar. However, there are two subtle differences. The offender narrative suggests the effort that the offender went to in order to target his ex

employer, both finding out the employers address and travelling to Skelmersdale. This effort is not emphasized in the Probation Officer narrative, though it would be reasonable to assume that it is a pertinent issue for what it says about the motivations and pre planning done by the offender. The second difference is perceived rather than explicit. The Probation Officer's use of the phrase 'demanded the money' is interesting. This implies that not only did the offender break into the residence, but confronted the victim to 'demand the money'. No confrontation or interaction is mentioned by the offender in his narrative. It is unclear without a third party confirmation of events what actually happened, but the fact that the narratives are different does raise some questions. If the confrontation did take place, and the offender has not mentioned this, it could suggest an attitude already conveyed by the offender that he was there to 'get what he owed'. The focus that the Probation Officer puts on 'demanding money' suggests a stronger victim focus. Of course, as stated without a record of the events this is speculative, but it is important to note this contrast, particularly in relation to interaction with the victim, as related to other narratives.

The officially recorded offence type for this category of event is robbery, and no weapons offences were recorded, so it is difficult to know whether a weapon was used or not. The offending individual has denied using a weapon, whereas the victim claimed the offender had a firearm. In fact, as the detail below reveals, the offender does not even describe confronting the individual. The contrast between these narratives reveals a very different viewpoint of the same incident, these differences being particularly marked when the issue of victims is raised, a common difference in Probation Officer and interviewee narrative.

One such narrative, on another type of acquisitive offence, is that of an experienced armed robber, who had also committed street robberies, an individual who featured extensively in the previous chapter. This individual (code29M) had committed street robberies on elderly victims. His Probation Officer states

“X has five counts of street robbery from elderly vulnerable women in this area. The theme of these offences is that X would drive a car onto the pavement pulling up close enough to grab the belongings of the victims who were all female and elderly. On occasion, the car would actually hit the victim. In witness statements it is noted that X would pull so hard at the bag that the woman would fall on the floor, then X would drive off. X says that the motivation for this was his addiction to crack cocaine, X was previously incarcerated for similar offences and did not want to be released, preferring to stay in custody.” PO code 42

The offender himself had expressed his preference to remain in custody during his interview, stating that he preferred the stability of being in prison and did not cope well with life in the community. He described himself as an angry man, and a loner, preferring his own company. During the interview, this individual did not describe these events during his narrative (admitting to ‘street robberies’ but preferring to speak about his large scale armed robberies) he does comment on his victims.

“Do I think about victims? Well, it depends whether it was a bad one (offence). A bad one was where someone was having a go – say someone jumps out of a car to stop us robbing a security van and then ended up getting hurt – baseball batted or whatever we used. They should have seen us and walked away, get out of the way. People get shot over stupid things – should ignore it and walk away.” code29M

This offender almost seems to view the victims as being victims twice over, the first time due to them being targeted, and the second time due to them resisting or trying to fight back in some way. In doing so the offender can be seen to directly employ one of the techniques of neutralisation, that is denial of victim, that have been found to be characteristic of offenders seeking to justify their behaviour (Sykes and Matza, 1957). The emphasis on the

victim in the Probation Officer narrative may well be due to an organizational emphasis (on the part of the Probation Service) on victim empathy, but it appears that in this case at least, victim empathy on the part of the offender is low if it exists at all. The offender and the Probation Officer both ascribe the agency of the offence to the offender. Both the interviewee and the Probation Officer agree that these offences were planned, and carried out with full responsibility and ownership of the actor. The interviewee's description of how other people become 'victims' is in contrast to his view of himself as being responsible for his actions. This individual views those who get involved in his offending as responsible for their own actions, and therefore for potentially getting hurt. It does seem from this limited account, that although the individual would see himself as being self driven, and fully in charge of making his planned offences happen, this control does not extend to the influence his actions may have on innocent bystanders.

Moving on to looking at a slightly different offence set, an example of drug dealing, reveals some pertinent differences in perceived status of the individual between the Probation Officer and the offender narrative. An offender convicted for dealing in drugs says of his offending history

"I am good at drug dealing. It escalated and escalated until I was a main supplier. If you deal with people you know and trust you feel quite secure. You can make enough just doing that so you do feel secure and like you won't get caught." code 26M

From the offender's narrative, the reader may get the impression that drug dealing was a large part of the offender's life. His use of the term 'main supplier' is suggestive of a considerable involvement in dealing drugs, and in the statement 'I am good at drug dealing' a certain amount of pride may be revealed. Contrast this emphasis on the offender's skill at dealing and his emphasis of involvement with the narrative of the Probation Officer.

“X committed the offence when collecting and delivering small quantities of a drug to friends who were already drug users, rather than playing a larger part in a commercial organization. His payment would have been £10 of heroin for his own use.” PO code

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The Probation Officer narrative plays down any emphasis on ‘playing a larger part’ in any dealing or organization. Whereas the offender implies that he feels a sense of achievement or pride in his skill, the Probation Officer suggests that the main outcome for this individual was to be ten pounds worth of drugs for his own use. The ‘observable factors’ of the offence, where and when it happened, and the type of offence, are consistent in both narratives, it is the interpretation of these factors that places a completely different emphasis on the extent of the individual’s involvement in dealing drugs. The origin of these discrepancies could come from the offender’s attempt to ‘talk himself up’ within the research interview, from the Probation Officer having the wrong information, or basing her analysis on what the offender himself said to her.

Within the differences between the analyses there lies a subtle difference in the ascribed attributions of the causality of the offence. The interviewee clearly sees himself as an organized dealer, with an established customer base, implying his sense of control over the situation. The Probation Officer narrative, although not explicitly stating so, plays down this sense of control, almost portraying the offender as an individual at the mercy of those higher in the hierarchy. Again, the question of what motivates the offender, that is what the offender gets out of the offence, seems to be perceived slightly differently by both parties. Both the individual and his Probation Officer see the offending behaviour as being motivated by a drug habit, but the means of satisfying this habit is perceived quite differently (dealing drugs, and performing tasks for payment with small amounts of drugs).

Looking at another drugs related offence, one offender was prosecuted for 'intent to supply' after being caught at home with a very large quantity of illegal drugs. In a very detailed narrative, this offender, who admits having the drugs, but not intending to sell them on, speaks of his reasons.

"I had won £44,000 on the horses and dogs; Ladbrokes confirmed this, so I went out and scored stuff. The place I went was seedy, and not many people knew I had a cocaine problem and I wanted to keep it that way so I was always getting ripped off. In the end I thought 'sod it, I am going to buy loads to save me coming back' so I did."

"I had a lot, but that was because I didn't like going out and buying it." code 30M

This individual explains that he had bought a lot of cocaine in one transaction because he was addicted to cocaine, but did not like the 'seedy' nature of purchasing it, and did not want anyone to find out that he had a problem with it. He had intended to use all of the drugs himself. An equally detailed Probation Officer narrative suggests the same motivations.

"X was found guilty of the offence of possession of Class A drugs with intent to supply. While he accepts he was in possession of these drugs X continues to maintain his innocence in relation to their supply. He acknowledges that as he has been found guilty he must be sentenced. Whilst perusing the information contained in the Crown Prosecution Service documents, discrepancies have arisen that have not been clarified. The copy of the indictment indicates that the cocaine found at X's home was worth between £3900 and £6500 however, information from the Police indicates that the value was more like £18000." PO code 43

The beginning of this narrative suggests that even after conviction, this offender maintains his innocence about the intent to supply the drugs. The detail given about the worth of the drugs, while an aside, may be pertinent to the thinking of the Probation Officer. It could be suggested that if the net worth of the drugs was very high, that this may cast doubt on the assertion of the offender that they were for personal use only. The Probation Officer goes on to describe the offender's reasons for having such a large quantity of cocaine.

“X tells me that this offence occurred against the background of his own drug use which had been a growing problem for some time. At the height of his drug use he tells me he was using up to £250 a day of cocaine and was travelling to various places such as Cheshire Oaks retail park to meet people to purchase the drugs. He states that he did not like meeting with people to purchase the drugs as he felt ‘seedy’ and intimidated. X tells me that over a number of weeks he had won a large amount of money gambling on horses and this amounted to £44,000. Following one large win he states that he was approached by a dealer who was aware he had won money and asked if he wanted to buy in bulk. X says he felt intimidated and pressured to do so, but he also felt that it would be better for him not to have to keep meeting dealers in ‘seedy situations’. He says he paid £3000 for a large amount of cocaine and kept this in his wardrobe at home.” PO code 43

While the facts as reported by the Probation Officer and the Offender are similar, the factors influencing the offender's decision also seem to be given a similar analysis. The Probation Officer reports what the individual had told her, but though this is faithfully reproduced in this narrative, there is perhaps some doubt over the accuracy of this given the discrepancy over the amount of money the drugs were worth. In moving on, the Probation Officer and the offender agree on one thing – who the real victims of this offence were.

“X recognised that the impact of this type of offending is particularly hard on his young family and partner. He adds that he never used drugs in the family home and states that he does feel remorseful and feels selfish that he has put his family in this position.”

The offender himself says

“I handed myself in after they came to the house, they sent me away. I didn’t want them to come to the house with the kids there, but they came back and raided the next day. I have let down my kids, I have never been in trouble with the law, someone must have grassed me up. I have never supplied drugs, but it is my kids that are suffering for it now.”

When examining this set of narratives, it could be argued that once again there is a subtle difference in ascribed responsibility, or ownership of the offence. The Probation Officer is clear that the individual made a real mistake, and in allowing drugs to be within his home he had endangered his family and gained a criminal record. The individual narrative seems to suggest that this mistake is accepted, but also gives an impression of the offender feeling victimised – both by the police, who accused him of intent to deal the drugs, and by the drug dealers who pressured him into buying it. The advantages of this situation are listed by the individual as avoiding the ‘seedy’ business of obtaining drugs frequently, and in obtaining a large amount, the risks of these situations, plus the chance of being discovered purchasing drugs, are reduced. The fact that the individual needed the drugs almost seems to be treated in the decision-making process as a given outcome.

The Probation Officer narrative in this case, as in others that have been examined in this chapter seems to present the reasons the offender has offered for the commission of the offence, and does begin to look at some of the costs and benefits to the offender. Previously,

it can be seen that in some cases, various outcomes are perhaps missed – the pleasure an offender can obtain in a job well done for example – though considering the nature of the relationship between an offender and their Probation Officer, it may not be that surprising that the offender is less forthcoming about this than they perhaps may have been with an independent researcher such as in the course of the interviews for this study. This raises questions about how well the Probation Officer can indeed analyse the offending incident in the context of the offender’s own understanding, as this will be based on what the individual is willing to communicate. Probation Officer narratives have in some cases indicated other sorts of information they use to help them work with the offender, and analyse the offence in particular. Court Documents, Police Documents and previous conviction lists have all been mentioned. While this variety of information is not available for use within this study, and indeed falls outside the specific aim of trying to find out what the offender sees as being important, if further work was undertaken to look at how the Probation Officer makes an analysis then this information would come into its own.

Section 4.2: Violent and emotive offences

However, moving back to looking at the offender and Probation Officer narratives, the comparison of accounts of affective or violent type offences may offer more information as to how Probation Officers think about how offenders make decisions.

A female offender, convicted of a robbery and assault against a fifteen year old, describes her reasoning at the time of committing the offence.

“I have a robbery charge over a mobile phone. Every two weeks I used to go to social services and get access to my daughter and I was anxious this one morning to get to

the payphone and find out when to go. (On the way) I saw in the distance a girl who owed me £40 and I shouted her and she said to go with her. Instead of giving me all of the money she gave me a couple of pipes. I don't normally smoke but I took them as payment, I should have waited as it made me even more wound up. So I went to the phone and her partner came with me. I had 40p to put in, and got through, they put me on hold and the money ran out. I was fishing round and got my slummy out (small change) and there were 3 girls on the wall and I asked if they could change 20p and they just looked at me which made me feel paranoid. I thought they may not have heard so I asked again so they looked at me but ignored me, and that got me even more wound up so I ended up going over and snatching a mobile phone from the hand of one of them." Offender code 03F

This individual describes a clear set of circumstances where her anxious state of mind escalates into her committing an offence. The offender goes on to state that she did not intend to take the phone for financial gain, but just in fact to make a call.

"I don't know what I thought, I kind of thought I would be cheeky, take the phone, make my call then give it back and I know I had no intention of pinching it."

In this case, which appears to be an acquisitive offence of robbery, the acquisitive motivation for the individual becomes less clear cut when the offender describes her thoughts and the events that took place. The Probation Officer adds more interesting detail.

"X states that she needed to make a phone call to social services re her daughter and didn't have enough money. She was very upset and under the influence of crack at the time and asked three girls if they had change. She got annoyed as they didn't look for change and she saw one of them had a mobile phone. She grabbed the phone to try and make a call and she says things got 'out of hand'. X states that she does not

usually use cocaine as it has a bad effect on her and states her emotional state at the time meant she was not thinking straight. X is adamant that she did not steal the phone to fund her drug habit and relates her motivation and triggers to her emotional state and being under the influence of crack. It states on the Prison record that she sold the phone on for £20 but there is no real evidence that she did this for financial gain.” PO code 13F

Though there does seem to be some evidence that the offender sold the phone on, the Probation Officer believes that this offence was motivated by high anxiety and poor judgement rather than a financial motivator. The Probation Officer states that the offender ‘was not thinking straight’. In her interview for this study, the offender herself says

“I wasn’t in my right mind.”

This use of corresponding phrases in this case suggests that both parties consider that the events of that day were out of character somehow, caused by emotional distress and the use of drugs. The Probation Officer finished her narrative by stating

“She has previous convictions for wounding and GBH. Other crimes have been committed under the influence of drugs or alcohol.”

It would be useful to know how much the Probation Officer attributes the offender ‘not thinking straight’ to the use of drugs in this and previous incidents, and how much to emotional distress, and whether the offender would do the same. The emotional distress aspect is certainly emphasised as being the primary causal factor by the offender, and by the Probation Officer. In this narrative, the Probation Officer portrays the offender as not being ‘in their right mind’ whilst the offence was committed, implying that whatever choices were made by the offender were not made while in a rational state of thinking, and therefore could

not be described as a rational decision. Many of the narratives concerning violent or anger-driven offences follow this pattern – it appears that the individual is in fact making the decision to act, but that these decisions are often made under the influence of drugs, alcohol or emotion, and the rational decision making process is not present.

Looking at another violent offence, In this case assault on a Police Officer, it is apparent that the same factors influencing the offence are identified. This woman was prosecuted for this assault, an offence she freely admits took place. She explains what happened as follows

“The offence I do remember, me and K, I was trying to get him off the drugs, and I ended up going along with him. We were hitting up, and I was already off my head with the drink. The (Police) came to arrest him and I was crying and panicking and that ‘cause he was on a warrant and I kicked off and the Police took me too. We were in the car and he (Policeman) was being horrible to me so I said ‘I am going to bite you’ so he got his bat out and hit me on the head and I said ‘ow’ and next thing you know I was in a Police cell and my solicitor said I had tried to strangle a copper and I said ‘no, there was plastic glass between us’ but he had a bite mark.” code 10F

This individual admits biting a Police Officer, but not trying to strangle him. She says her motivation for causing trouble at the scene of the offence was to divert attention away from her partner, who had a previous warrant out for his arrest. The Probation Officer describes a similar scene

“X was with ex partner, after bingeing on drugs and alcohol. She was arrested for swearing and offensive behaviour when her ex was being questioned. She panicked as a warrant was outstanding for him. When in the police vehicle she pulled a PC back by the collar and bit another on the hand. She accepts her behaviour was unacceptable

but denies the assaults. All of her offences occur when in emotional distress and under the influence of alcohol.” PO code 07

The Probation Officer narrative asserts that this offender is vulnerable to committing an offence when in emotional distress and under the influence of alcohol, once again resulting in the individual making choices that are not seen as rational. The two factors of emotional distress and alcohol seem to go hand in hand, as they have for previous offenders examined in this chapter. No analysis is given of when one factor is present without the other, though this would be outside of the scope of the exercise the Probation Officer is asked to complete within the assessments looked at. It is puzzling that the Probation Officer states that the offender has denied any assault, but in the interview the offender has admitted biting a Police Officer, but not ‘strangling’ one (described by the Officer as pulling a PC back by the collar). This may be due to the fact mentioned earlier, that offenders may feel more comfortable being honest with an independent researcher than with their Probation Officer. Equally, this difference in disclosure could be due to the individual becoming more accepting of their responsibility for the offence, or more accepting of the sentence they have received. It does raise an important issue, of how much the disclosure of the offender affects the Probation Officer’s perception of them and their actions, and how this affects their subsequent supervision on sentence.

Despite the difference in extent of admission of guilt between the two records of events for the woman described above, the role of the woman trying to protect her partner is described by both parties, as is the influence of alcohol and emotional distress. It appears for some of the individuals here emotional distress, in this case caused by the potential arrest of an ex partner, combined with alcohol, is a powerful factor in causing these individuals to become vulnerable to offending.

In yet another case where alcohol and emotional distress appear to go hand in hand, interviewee code08F describes how she assaulted her partner. She describes a history of volatility in her relationship prior to the offence

“I met my partner in alcohol rehab, we had just got engaged. What he tended to do, you see I am not an angry drunk; in general it makes me emotional. But not aggressive. Whereas A (the offender’s partner, and victim) would physically attack me or try to kill himself. It started off with the obvious things like the odd slap, which he would always say he couldn’t remember afterwards, but it progressed onto things like shoving and choking me and holding a lighter up to my face to burn my eyes. He was arrested for this 9 times, and I would charge him with breach of the peace, battery, assault, GBH. When he came home he would throw the charge sheet in the pile and be alright for a couple of days.”

After living in this abusive relationship for some time, this individual describes how after one serious incident they had made a pact to stop drinking:

“When he came back from the ABH it was to be tried in Crown Court, and it was quite serious so he begged me to help him. We agreed that neither of us would drink during the day.”

This appeared to work for a short period of time, until the interviewee discovered her partner (the victim) drunk on Christmas Eve, when her partner then proceeded to give the offender a black eye. On Boxing Day, she rose to find her partner drunk again. She told him

“I am so disgusted with you I am going in the other room, you stay here and do what you want but don’t speak to me and don’t come near me.”

She describes how this situation led to the offence

“He kept coming in and being obnoxious – verbal abuse. I said to him – the Police will be here by this evening, but I never thought it would be for them to take me away. Well, he has no memory of that night then, and neither do I. I woke with him next to me in bed, and there was blood. I wasn’t sure what happened, because he keeps knives and sometimes cuts himself, but I just remember calling an ambulance as the blood was bad. I can’t plead guilty because I don’t remember but if I hadn’t been there and hadn’t been drinking it wouldn’t have happened.”

The Probation Officer narrative describes a similar background to the offence, seeing this as pertinent to what took place.

“The defendant cannot recall the full details of what took place as she was under the influence of alcohol. She had been living with her now ex partner, the victim, for several months. Both have severe alcohol problems. The relationship was very volatile and there is evidence that her partner abused her physically. On the morning of 26th December X had awoken realising her partner was extremely drunk. In the subsequent hours she returned to alcohol use during which she describes an extremely abusive dialogue between them. X became increasingly intoxicated to the point of not being able to remember detail in any clarity. She decided to go to bed for a few hours, and cannot remember how much time had elapsed between the stabbing and calling the emergency services. She did not realise the victim was injured until she made contact with him whilst lying in bed. She then realised her hands were covered in blood and there was a knife in her partner’s chest. She rang an ambulance but was unsure whether these wounds were inflicted by her or if they were self harm. She has explained that he had harmed himself with a knife several times.” PO code 05

This narrative is very similar to that of the interviewee. However, recalling what the interviewee said about alcohol affects her

“...you see I am not an angry drunk; in general it makes me emotional. But not aggressive.”

And comparing it to the following excerpt from the Probation Officer narrative

“X does not have any previous convictions for violence, though admits when under the influence of alcohol she becomes aggressive.”

is puzzling as it seems contradictory. The offender claims not to become aggressive when drinking, whereas the Probation Officer states the opposite. The words ‘aggressive’ and ‘emotional’ are both words that may be applied to apparently irrational behaviour, but the difference between the two is important. The reason for choosing one word or the other would be useful to explore given more evidence or interview time. This may be a difference in semantics led by the Probation Officer’s ‘official’ capacity and therefore obligation to try and help the offender accept responsibility, or it may be a judgement made by each party based on their understanding of what happened. In the Probation Officer’s case, this understanding would presumably be gained from talking to the offender and reading related material (examples given earlier) and also based on his or her own experience. The offender’s use of the term is based on her own experience of what she felt and thought, and the juxtaposition of these two sets of experience is revealing. In an example given above, of an assault and theft of a mobile phone, a Probation Officer describes the individual committing the offence as ‘emotional’. Although this is not explicitly stated by the Probation Officer, this may hint at the Probation Officer perceiving the offender as not being entirely in control of the situation, and of her response. However, in this case, the interviewee describes herself as ‘emotional’ and the Probation Officer describes the individual as ‘aggressive’.

While both of these descriptions pertain to high levels of emotion being present, the implications of these two different words are different when considering where the sense of responsibility is attributed. The interviewee describes herself as feeling emotional due to drinking alcohol, and to being the victim of abuse from her partner, therefore perhaps asserting (or perceiving) that she was not fully in control of her actions. The Probation Officer describes her as 'aggressive' which implies not a sense of control on behalf of the offender, but an attitude or mode of behaviour. This could be interpreted as an important difference. If the interviewee feels she was at the mercy of the circumstances around her, and the Probation Officer perceives the offender as being 'an aggressive person', that is aggression is a trait of that person, this would certainly alter the perception of events from both points of view, though neither party categorise this offence as containing elements of rationality.

A further example of this comes from an offence where the 'observable' factual content, that is what actually happened, is similar in the offender and Probation Officer narrative, but the 'reality' or experience of each individual is described very differently.

"I have been prosecuted for assault and criminal damage this year, at my home in Liverpool. My husband and I have been having marital difficulties, one night another fight broke out, he was physically abusive, so was I, but he is bigger than me, and he got out of the house and phoned the Police and said I was mad. Anyway, the Police came and took me away for assault. The criminal damage charge was for scratches on his car because earlier that evening he had been trying to pull away in the car and I pulled on the handle and was screaming 'don't go' and he actually ripped the ring from my finger, a large emerald and diamond cluster, which went over the car and scratched it." code 07F

This individual admits the offences took place, but paints them against a background of domestic violence and emotional upset, in which she was also a victim. The Probation Officer describes the same facts, but with a different emphasis

“X still alleges even now that she is a long term victim of domestic abuse, and that the assault took place in the context of an argument, and the criminal damage was when her husband reverse drove the car when she was holding the door handle and her ring scratched the paint. However, CPS and Police information places the blame with her, as she is alleged to have a serious drink problem and was intoxicated at the time.” PO code 04

The issue of alcohol was not raised even once by the offender during interview, but was clearly an issue under consideration when the prosecution was processed. In this case the factual contents of the narratives overlap closely, but the motivations or circumstances surrounding it vary widely. The offender places her offence of criminal damage as an accidental outcome of an incident of domestic violence for which she is the victim. The Probation Officer sees the violence as being essentially caused by the alcohol use of the offender, which is not mentioned by the offender. Clearly the two issues may not be mutually exclusive but for progress in any work being undertaken with this individual it is paramount that these issues be teased out.

Reading the double narratives once again begins to illustrate two sets of experiences or ‘reality’ – one as reported by the offender and one as described by the Probation Officer. The Probation Officer reports their narrative based on three things – the official case documents they may have received from the courts or police including the facts of the offence, what they have been told by the offender during interview, and what they understand from these two sets of information. It is possible, of course, that the two distinct pictures of

reality presented in the narratives, and the differing levels of responsibility assigned to the offender in these circumstances is in part a function of fundamental attribution error. It is a known phenomenon that the observer of a behaviour will tend to over value dispositional based explanations for that behaviour, perhaps de-emphasising situational effects (Gilbert and Malone, 1995). While this may indeed apply, there are several reasons for thinking that this is not the only explanation for this difference. As stated above, in almost all cases the 'observable' facts as reported by the Probation Officer and the offender stand, so it seems that the offender is presenting the same reality to the Probation Officer, and to the interviewer in this study in both cases, giving the Probation Officer an opportunity to share the opinions and viewpoints of the actors and thus modify this attribution.

Where differences in the narrative begin to appear is where the Probation Officer has taken account of this, but still makes an attempt to imply motivation behind the offence, or discuss additional causatory factors or contributory factors, in order to obtain a fuller picture of the offence from both sides of the observer/actor divide. These will be in some cases taken directly from the testimony of the offender as has been done with the offender narratives in this analysis, but these will be supplemented by the official documents and the Probation Officer's own opinion. While during the analysis of this data great care was taken to analyse the offender narrative without bias, ensuring as far as possible that the researcher's views or beliefs were not reflected in scoring, this cannot be said categorically of the Probation Officers. Probation Officers base their analysis on all of the documentation and interview evidence described above, and also on their own experience. It is impossible to say how much this happens as each Probation Officer will be different in approach, but it is a useful exercise to examine where differences do appear in the Probation Officer analysis of the offences committed and what may be the cause of this. Further research into what factors affect a Probation Officer's analysis of an offending situation would be a useful addition to

this area of research, and would perhaps illuminate further the differences in understanding of events between the offender and the Probation Officer

One cause may be of course that the offenders were lying about the circumstances or particular motivations at that time. It seems unlikely that all individuals were doing this, as the factual elements of their narrative are overwhelmingly accurate, and the details told to the Probation Officer (where specified that they were told) also closely match. However it is worth bearing in mind that all of the individuals interviewed had already been convicted of the offence they were discussing, and therefore had little to gain by protesting innocence or seeking mitigation.

If the purpose of any investigation into the application of Rational Choice Theory is to understand how offenders make their decisions within the context of their experiences (their particular 'boundedness') then a comparison of how they see things taking place and how an outside observer (in this case, the Probation Officer) sees things as having happened is a useful tool to explore this theory. What can the differences, and similarities, between the interviewees' evidence in their narrative, and that analysis given by the Probation Officer tell us about how each party understands the decision (or lack of decision) to have come about? This question is one that would be well worth investigating, but unfortunately is a question outside the scope of this study. The methodology design for this study included the analysis of the brief 'offence analysis' section from the OASys section primarily as a verification measure to cross check the accuracy of what have been referred to here as the 'observable facts' of an offence. This section has certainly been useful in this way, delivering encouraging evidence that would suggest that the individuals interviewed are reporting their experiences in a way that at these key points, are concurrent with the official records of the offence. The 'offence analysis' section is intended to be brief and is perhaps not suited to an in depth analysis in terms of ascribed rationality or motivation. That said, the points raised

even from this limited account on the behalf of the Probation Officer are contributory to the present study, and would become more so if the remit of the study was to apply the knowledge gained about offender decision making to the rehabilitation of offenders. So much so, that the author would certainly expect this topic to become a possible future direction for research in this area, beginning with a similar analysis incorporating more detailed Probation Officer narrative.

Chapter 5: Focus Groups

As described in Chapter Two, focus groups were utilised as part of the methodology of this study to add extra depth and perspective to the interview narrative. Participants in focus groups have the opportunity to react to others and shape ideas through interaction, and this interaction can often draw out ideas and shape conclusions in the mind of an individual, and in doing so, provide a framework for their experiences that they may not have previously been able to describe. Equally, points of disagreement between participants can produce debate which becomes useful in illuminating the different ways in which individuals perceive and understand a phenomenon.

The purpose of the focus groups conducted in the course of this study was to investigate further the existence or prevalence of evidence supporting the existence of the ‘offending decision’, and if such a decision could be said to exist, whether elements of this decision making process could be said to be rational. In analysis of the focus group discussion themes that emerged from the interview narrative were highlighted, along with new concepts and ideas that emerged within each group. As with the interview narrative, evidence within this chapter will be presented as a group of themes, with similarities and differences from the interview study, and between the two focus groups noted.

Section 5.1: Demographic information

Two focus groups were conducted, the first with an offending group, the second with a group of Merseyside Probation Service staff, with various experience of working with offending individuals in a statutory capacity, on licence after release from prison, or as part of a community order.

Seven staff took part, of whom six were female and one was male. Ages ranged from 25 to 52 with the mean average age being 38.6. Staff all had at least two years of relevant experience, with the longest serving staff member having 25 years. The mean years of experience was 11.3. Staff taking part were voluntary research participants from various parts of the Merseyside Probation Service, with various specialisms, including licence (release) and custodial cases, those on Community Punishment (now called Community Payback, or Unpaid Work), court report writing, working with individuals in hostels, as well as working with the full range of Community Orders.

The offending group were all volunteers from the current caseload of the Merseyside Probation Service at the time of the research. All of these offenders were subject to a current (at that time) Community Order or Licence, and were eligible for participation in the research on that basis. The other essential criterion was that the individuals participating had not previously been interviewed as part of the original cohort study. Six offending individuals took part, from an initial ten volunteers who agreed to attend on the set day. No reasons were given by the four who did not subsequently attend. Of this group, five offenders were male and one female. Ages ranged from 21 to 38 with the average age being 29.9. The index offence of these individuals ranged from dealing marijuana to violent assault. Further details on the offence types of these offenders are presented below in Table 5.1

Table 5.1

Offence Type	Frequency
Assault	3
Serious Bodily Harm	1
Supply of class B drugs	1
Wounding	1

Section 5.2: The focus group narrative.

The evidence of reasoning.

Both of the focus groups were asked at the start of the discussion whether or not they felt that offending was as a result of a decision to do so or whether it ‘just happened’. Individuals on the offender group initially asserted that for them, offences were something that happened unplanned. A male group member stated

“I wouldn’t say I decided to do anything, It kinda just happened. I kicked someone’s door in. I didn’t say in advance, ‘I think I’ll go, or I think I’ll kick someone’s door, in’ More like, it just happened.” FG1M

Another group member who has committed violent and public order offences in the past, brought a similar experience to the discussion.

“It was just like, got an argument and got a fight, know what I mean? It was like a spur of the moment thing. It wasn’t planned, wasn’t like planned, didn’t know it was gonna happen. Just an argument then a fight.” FG2M

In contrast to the experience described by the offender group, that things ‘just happened’ without prior deliberation, the staff focus group indicated their opinion that a more defined decision took place, beginning their discussions firmly from the viewpoint that every offence was as the result of an offending decision.

“I think ultimately, there is always a decision to commit an offence, whether or not (you can see it). The difference is the amount of pre-meditation, sometimes there is quite a long period of pre-meditation where somebody will make the decision to commit an offence ahead of time, sometimes the timescale is much shorter, but ultimately when they commit the offence there is a decision made.” SFG4F

The concept of there being ‘always a decision’ was followed up by another group member, saying

“Most offences are easy to understand. If it is a drug user, they get up in the morning and the first thing they want is a fix, they have no money so they go straight out and commit an offence. If someone in debt works somewhere they’ve got access to money they may siphon off a few pounds. It depends on the offence and the circumstances.”

SFG7F

Already within this brief introduction to the focus groups, the two groups have highlighted different elements of the offending process. The offending group began straight away to talk about offences that were categorised within the interview narrative section of this study as violent / emotive. The staff discussion however, claiming a decision process where the

offenders claim none, are referring to acquisitive offences. As can be seen in the preceding chapters, the degree of evidence of decision making within these two offence categories is very different.

Section 5.3: Acquisitive offences

Repeating the analysis pattern found within the chapter concerning interview narrative, the group's opinions on acquisitive crime will be examined first. Although on opening the discussion, offenders initially began to speak about violent/emotive offences, and the experiences they have of them 'just happening' they were prompted into discussing the differences between these offence categories by one group member, who had been convicted of dealing drugs. Arguing with the assertion that offences always 'just happened', he stated

"Mine was weed lad, dealing. Yeah I was organised, I kept a book and that." FG6M

Despite the prior group assertion that offending was impulsive, and spontaneous, this experience did in fact prompt agreement from the rest of the group. FG1M, whose index offence was criminal damage, agreed that this approach applied to his other offences in the past, including burglary and shoplifting. FG2M also agreed, describing his own mixed offending history.

"Yeah man, I got the violence and shit what's got me into trouble, but I used to do the nicking. I have got planned ones, to get money yeah. I have others – just happen – public orders and shit. You can make the shit when you plan it right. My mate does the Asda with foil bags for aftershave and perfume for months, months man. Got nicked the other day and got a bail, his solicitor says as you have not got nicked

before, a first offence, you'll get nothing, just hours maybe and he's been nicking for months, like £200 a day for four months and gets away with it." FG2M

These experiences echo the differences found within the previous chapters. Offenders had moved on from discussing how they felt no offending is planned, to claiming the opposite when their focus was altered to acquisitive offences. The discussion moved on to another theme prevalent in the analysis of interview narrative, risks and rewards.

Risks and rewards

Formal sanctions

The issue of the influence of formal sanctions, that is being arrested and sentenced, is a theme that has been present both in the interview narrative as well as within the offender focus group, and in both cases it was felt by the offenders to not be a large influencing factor on their decision to offend. The staff members in this group agreed.

"I think that in that case people don't weight up the pros and cons they just go along, and they don't think about getting caught, they don't care – they will just go along with it, they just find that they are caught in this net and they have got to carry on, but initially they just go along, they don't think about the pros and cons." SFG7F

One group member suggests that experience of working with offenders quickly teaches that the pros and cons perceived by the staff member are not the same as those perceived by the offender.

"That is important – when we think of the pros and cons we think of the pros as getting money or a car or whatever, and the cons as being getting caught but it is more

complex isn't it, and we already described gangs and street cred, and reputation and that happens a lot. They need to keep the reputation because the reputation acts like a way of protecting themselves as a way of projecting an image and it is that sort of thing. Interestingly, for me, getting caught is fairly low in the priority of people I have worked with." SFG6F

The issue of the formal sanction not being valued by offenders is commonplace in the literature on decision making (Shover and Honaker, 1992; Wright and Decker, 1994). It also emerged as a theme from the interview narrative and the offenders within the focus group felt no differently. These individuals preferred to talk about the factors that would prevent them reoffending, but it was clear by their general dismissal of the idea, that formal sanctions were not one of these factors. One group member says of getting caught

"You don't think about it, if you are gonna do it you are gonna do it, you don't think about what can happen you just do it." FG6M

FG2M agrees:

"Yeah, the chances of getting caught, the chances of getting away, are pretty high. And then when you do get caught it's nothing."

As does FG1M

"Getting caught don't put you off at all."

It is clear that once again, formal sanctions form no deterrent to offending for these individuals. Both focus groups had theories as to why this may be, linked to the themes found in the previous chapter around estimation of risk, and the real value of a formal sanction to the offender.

Probability and risk

Similarly to the interview narrative, the theme of the value, or weighting placed on formal sanctions by the offending individual was also raised within the offender discussion.

“Seventy or eighty per cent of the time you get away with it, so you don’t expect to get nicked, that’s what its like, and if you did, so what? It’s nothing new.” FG3M

If the offenders estimate the probability of committing a successful offence as being high, the staff feel they understand why the offenders take the risk at all.

“Yes. It is worth the risk to them for all of those things that were just said, in terms of, you know, being part of that culture, that support network.” SFG4F

If some offenders, in the group’s experience, view formal sanctions as irrelevant when set aside the perceived positives of an offence, others actually see these sanctions as positive side effect of the offence.

“It can be a status thing as well, like if you get to prison you get certain badges. It works that way as well, there is a kind of hierarchy.” FG1F

Another group member expands:

“So what’s important to us in terms of pros and cons might be, e.g. a fear of a criminal record would be a big deterrent for me, but for an offender it wouldn’t necessarily be the type of deterrent we might hope for so it is looking at what is important to that person as well. Offenders don’t get bothered about a sentence.” SFG2F

In these experiences, it appears to the group that in many cases the value placed on formal punishments is low as a cost factored into a decision. Additionally, the discussion introduced the idea of a formal sanction such as a prison sentence having positive outcomes for the offending individual. Likewise, staff group experience suggests that offenders see the probability of formal sanctions as being low (a similar viewpoint to that expressed by the offenders themselves)

“I can understand what you say about your clients, when you interview offenders, getting caught is really low on their list because I know a lot of the time when I kind of work with people they have kind of gone, you know really, I have got busted for this, but you want to hear about all the other things I have done that I haven’t got touched for or I have gone to court and its been dropped and in the grand scheme of things, yes, they may get caught every now and again but nowhere near what they should really have been done.” SFG5F

Other costs

Although the offending group, along with those offenders interviewed, asserted that the threat of formal sanction formed no deterrent to their offending behaviour, there did emerge (from both cohorts) a sub theme of the costs associated with the individual’s non-preferred form of offending, shoplifting. Within this group, just as within the interview cohort, several individuals expressed their distaste for shoplifting, due to the potential negative outcomes of the offence

“I’d be too scared of getting caught lifting cause of the shame of it. It’s a shameful thing.” FG3M

Another individual heartily agrees

“Ah man, me too! I was in Liverpool the other day in that new sweet shop (pick and mix) and our baby was eating them. I was going mad saying I am going to get nicked and I will never live it down, proper flapping. Not like proper offences, nah with proper offences you never think about getting caught.” FG2M

Shoplifting seems to appear to these offenders as a ‘lesser’ crime, and while they will not commit this offence it has nothing to do with the formal sanction that may be associated with it, their worries centring more about the loss of their reputation should they be found to be shoplifting.

“I have got violent robberies on my record and never thought about it (getting caught) but I wouldn’t go in a shop and rob a Mars Bar, the cameras would be watching and just imagine the embarrassment of getting caught for something like that, the shame of it.” FG3M

The potential cost of shame or embarrassment is a factor identified as a personal cost of offending through the previously examined interview narrative, though it is introduced here exclusively as being related to being caught for shoplifting. It appears at least to the individuals within this group that the ‘shame’ cost associated with this type of offence is an effective deterrent, far more than the possibility of official sanctions that may occur as a consequence of a more serious offence.

It is not clear from within the boundaries of this group discussion why these individuals feel this way. As all the individuals in this group (except for one) have reasonably long criminal careers by their own admission (all except one of the individuals described at least three or four previous offences) it would not be a valid assumption that the ‘shame’ forecast by these individuals if found shoplifting would be due to being exposed as an offender. Instead, it seems that being known to be guilty of the perceived (by the individuals

themselves) ‘lesser’ crime of shoplifting would embarrass the offender in front of his or her peers.

Effective deterrents

Whereas the offenders in the interview cohort were firm in their assertion that formal deterrents were not effective, the interviews did not tend to cover the area of what would prevent a further offending event. It was not expected that they should do so, as this was not in the remit of the interviews or the focus groups, but it was a topic that both the offender and staff focus groups were eager to discuss of their own volition. Beginning with the staff group, several members reported that in fact, in their experience, it was events entirely separate to formal sanctions that led to these offending individuals altering their decisions.

“It is very interesting if you ask an offender why they stopped offending what their reason is, and I have yet to hear from anyone when I have asked them that question who will say, it’s because I went on a six session consequential thinking skills programme. They usually say, I met somebody and settled down or I got a job. And I think that’s very interesting as well because there are things that happen in people’s lives that do affect their decision making to stop offending which sometimes you can put down to it just actually happened at the right time.” SFG6F

Another group member agrees:

“Yes, we used to call it the ‘hatch, match and dispatch’ effect, because it was like a major event in someone’s life that kind of made them sit down and think I am gonna hang on, what’s going on here, and that’s what happens, not very technical, but that’s what happens.” SFG5F

Rather than simply stating that changes in family circumstances can affect future behaviour, the discussion moved on to explaining how this may take effect.

“It can give them that sense of belonging I think, cause if people are aligned with more deviant groups then that’s what their sense of inclusion is, that’s their comfort zone isn’t it, so if they did have something law abiding to align themselves to then there is going to be that natural pathway from crime.” SFG2F

The offenders themselves described similar situations, emphasising the personal element in any process of desistance. One theme emerged strongly, that of family. FG2M was the first to introduce the concept – in his case referring to his child.

“I think about things more since I had the baby. I think about the fall out (of offending). Not so much what happens to me, but the effect it has on my baby. I won’t go out with my mates now if I think they are up to no good.” FG2M

Effects on children were cited by four of the six group members as being pertinent to any future decision to offend. The only female member of the group says

“I have got three children; I don’t ever want to be in a situation again like what happened. It is important to me not to be away from them. I am always with them 24/7. Without me they got no-one and they need me.” FG5F

One group member, who described how Social Services had told him he could be refused access to his child, spoke about how he felt he needed to change not just his offending behaviour, but also his entire lifestyle in order to become a better father.

“Fighting got me into his. I agree with her (my ex), it’s confusing for him (the baby). For five years I have been in and out of trouble, I would go six months then be getting nicked again and he’s confused. She said to me ‘I am sick of telling him Daddy is

working away when you are laying in some Police cell overnight'. As well, I do cage fighting and stuff, but that has all got to go, it is violent – headed and it is not good for the baby to know that's how to behave.” FG2M

For other individuals in the group, their family ties are equally important, despite having no children.

“It is important to people, going inside, I don't care, it don't bother me if I'm inside but it is the effect it has on others that is important. I don't have kids, but I have me Dad. The people you leave behind. It's always been hard on him, but last time I was in jail me dad got throat cancer so that was big and I couldn't be there. I thought he was gonna die while I'm in jail but he pulled through and I got out. It has come back now worsen. It is a big factor for me and I am not doing no more time.” FG3M

As well as the immediate potential costs of committing a further offence identified earlier in this study through interview narrative, such as arrest, and 'shame', the group discussion instead tended to look at more long term consequences as an issue for consideration when making an offending decision. In particular, the consequences of being away from family and the effect that the individual's offending lifestyle has on these loved ones. This extends further than the practical effects of an enforced absence. One individual, FG2M, describes how his absences in prison have affected his relationship and bond with his child. For this individual, it is not a potential prison sentence per se that discourages him from offending, but the effect this will have on his relationship with his child and with the child's mother. This individual places great value on having the time and space to build a relationship with his son. This is a theme echoed by the other group members. The female group member explains it simply

“All I want now is a normal life, where you wake up every day in your own bed, not the police station.” FG5F

One of the other group members puts it a different way

“Your freedom is important, not just from jail but to have a chance and take it. Freedom to take opportunities to make it better.” FG3M

This was strongly agreed with by the group. It was summed up into one phrase

“Freedom to live a normal life.” FG6M

The effect of family life and maturation on offending behaviour and offending –supportive lifestyles is a subject of much study within the field of deterrence, and these factors are commonly thought of as being associated with individuals who successfully desist from crime (Maruna, 2001). Of course, to do such a subject justice would not be possible within the context of this study, except to say that maturation is often found as a strong element associated with desistance, the average age of this focus group cohort was 29.9 years, perhaps a time in an individual’s life that they are beginning to make changes such as starting a family.

Section 5.4: Violent and emotive offences

As the opening paragraph describes, the offender group felt very differently about the decision making processes, or lack of them, involved in the commission of acquisitive and violent / emotive offences. They describe the latter as ‘just happening’, with other similar phrases such as ‘spur of the moment’ and ‘I lost it’ being prevalent. In contrast, when the

staff group was asked to consider violent or emotive offences, they remained adherent to their original premise, that a decision of some sort is always relevant.

“There is always a decision, whether or not it’s made impulsively or not, and its difficult sometimes to untangle rushed decisions with absent decisions with offenders. There are a lot of people that deny there is a decision and say ‘no, it wasn’t premeditated, it just happened’ but you can untangle it and I think there is always that decision.” SFG4F

The staff group seem to be saying that the offender does make a decision in these circumstances, but that such a decision would be rushed and impulsive. This idea was further explored by the staff group.

‘It just happened’ or was it a poor decision?

One of the themes that emerged from those individuals interviewed who had experiences of violent and emotive offences was the idea that these events ‘just happen’. This was echoed earlier in this chapter by offenders within the interview cohort. However, the staff feel that rather than these situations being marked by an absent decision, the decision is instead a poor one, that is rushed or not thought through. This idea is contrary to the definition of a rational choice held within the Rational Choice model, which by its very nature requires that a decision is thought through and considered. It is arguably the case, using this definition, that the decisions the staff describe as taking place in these circumstances are not decisions at all, and instead are more akin to individuals reacting instinctively or automatically than doing so like the postulated rational criminals.

Having a choice – the effect of circumstances

One of the themes emerging from the interview narrative was the idea that offending is the last choice, or is the only option for an individual to meet their needs. This was introduced again within the offender focus group, by the only female member of the group. She describes her offence of assault as being motivated by an abusive partner, describing how she saw no other options open to her.

“Mine was thingy – a violent thing. My ex, so I had no choice. There was no choice. My choice was the only one I had if I wanted to protect me and the kids. It was something that blows up, we was having problems and it came to a head.” FG5F

This idea was provocative within the group with mixed views on whether there is ever no choice. One individual agrees with the idea that a choice was there, but it was ‘no choice’, that is, there were no viable alternatives that would meet her needs. He illustrated his point with his own experiences.

“The first one (offence – assault and robbery) what I went to prison for, it was, I had just been kicked out and my Dad was on gear and that, so I didn’t have no money or no way of getting none so I went out.....I decided to do that (street robbery) because I had no job, I was young and no-one wanted to give me work, and me Dad was on drugs and all me other mates was older than me and were going out and doing stuff so to get money I had to go out and do that.” FG2M

He then goes on to say

“So I decided, but really, I had no choice. I was trying to get work and that, but it wasn’t happening.” FG2M

This individual asserts that he felt he had no choice but to offend in order to obtain money due to legitimate means being cut off, but that in having accepted offending as his only choice he had to choose street robbery. This conflict was picked up on by another group member who asked why he 'had' to do street robbery rather than another type of offence.

“Why did you do that instead of just nicking (shoplifting)?” FG1M

The response was thus

“I was trying to get work but because I was so young no one, everyone was saying no chance. There was no other way of doing it for me, so I just went and done it. I done other stuff too.” FG2M

The individual responded to this challenge, but without actually specifying why he chose street robbery over shoplifting. Nevertheless, the response seemed to satisfy the group members who continued to discuss the issue. The question of why individuals choose particular offences is an intriguing one. Rational Choice Theory suggests that a decision is made between a range of options by weighing up costs and benefits. In this case, it would appear that the individual in question had explored the possibility of work in order to gain access to money, but this option was not made available to him. His option of choice was decided on as street robbery, but how this offence type was selected from a range of possible options remains unexplained. As the challenging individual (FG1M) points out, shoplifting could have been an alternative. However, the choice to offend (rather than the choice of offence) was experienced as being the only alternative, and in that sense was not a choice in the Rational Choice model definition. Returning to the focus group, another individual continues the discussion by describing what happened in his last offence.

“In June, I was out in town, just normal, had a drink, and come across two lads and got in an argument and I slapped⁴ one of them, but sixty seconds later, I got stabbed and nearly lost my life.....man, it was a horrible feeling, I nearly died, I was cut right across my throat.” FG3M

Despite being seriously injured (and disfigured) this individual was prosecuted for the assault, in the most part due to his history of violent behaviour. This individual has an extensive history of violent behaviour, usually following the same pattern of drinking within the city centre of Liverpool. He describes all of these situations as events where circumstances become out of his control, and he subsequently is pushed into violent behaviour as his only viable option.

Chain of choices

Following on from this, Another individual volunteered his past history as being similar, saying that he had a history of violence, criminal damage and public order offences, but doesn't see how he could have chosen a different outcome.

“Well, when my last (offence) was going on, they (the victim) was taking advantage and that made me lose my temper, I lost my temper, then I went round to have it out (with him) but I lost it and got nicked and that.” FG1M

Although there was support within the group for the idea that there is no other option but to offend, this statement did not go unchallenged. The female group member, previously

⁴ By this, the individual means punched, rather than an open handed slap. The word 'slapped' is used in this context as a way of describing a punch of 'lesser seriousness'.

claiming her violent assault was her only option, challenged her group colleague by suggesting.

“You didn’t need to kick off.” FG5F

To which the response was

“I lose my temper though, don’t I?” FG1M

A group member, who had not previously contributed to the discussion, spoke up

“If you know you gonna lose it, when you go lad, you not gonna go are you?” FG6M

From a position where a set of circumstances a person may be in limits their options to one, the group began to challenge each other on what other options may have in fact been available. As pointed out by the individual above, the criminal damage charge could have been avoided by not ‘kicking off’ when challenging the offending party, or by simply not paying them a visit. This discussion is similar in theme to the chain of choices portrayed as taking place by the interviewees in similar circumstances. The staff group also developed this theme, describing the concept as understanding the circumstances as they come together to influence the factors that affect an individual’s decision.

“So like someone who commits violent acts when drunk in a pub before, but if they didn’t want it to happen again there are lots of things they could do to keep themselves out of that situation if they can’t control their behaviour in that situation. People can point out stages that they could have chosen different circumstances.

Again, we can apply that to all offenders and all offences.” SFG7F

In terms of understanding different circumstances and how they affect subsequent decisions, group members made specific suggestions as to how these differences may be understood.

“I think for men, that set of circumstances may be more linear, whereas for women their story seems to bounce around more and some of the decisions to affect present circumstances needed to have been made quite a while ago. So there isn’t as much they can do. This is not split between men and women of course, and either pattern can apply to either gender, but it is important to know how things came together to work with these circumstances.” SFG5F

The ways in which individuals arrive at the situation in which an offence is committed is a common theme emerging from both focus groups and the interview narrative, and necessitates a wider view of the offending process than the offence focused, decision specific approach Rational Choice Theory requires.

Bounded rationality

While the staff group asserts at each stage in the discussion that a decision is made within all types of offences, the offender group sees a clear difference between deciding to commit an acquisitive offence, and being in a situation where a violent offence just happens, or is the last resort. As discussed within the chapter concerning interview narrative, the range of choices available to an offender can be limited regardless of the eventual offence type that occurs. Each individual must operate, and think, within the confines of their own circumstances, and in many cases, these circumstances severely reduce the options of behaviour that are made available. This is noted by the staff group

“With offenders their choices are very limited, and it is our job to create more choices for offenders, I have always found that a really helpful way of thinking about offenders and what they do.” SFG5F

The idea of 'limits' on the choices of offenders was taken up by another group member

“When you say offender choices are limited, they are limited by the way the offender thinks about and perceives them, and by the limitations imposed by the offender’s lifestyle. The way they live their life often limits their options, but the way they live their life also affects the way they think and the distorted cognitive functioning that they may have, with problem solving and risk taking and so on.” SFG2F

The limitations on the knowledge and information an individual can call on to make a decision would certainly fit within a Rational Choice model of offending decision making, fitting within the ‘bounded’ rationality applied to many decisions (Cornish and Clarke, 1986). However, the limited options available to the offender may negate the process called upon by the Rational Choice model, as no real weighing of outcomes can occur.

In consideration of this, the staff group began to moderate their opinion on the existence of the offending decision, expressing that such a decision can not really be termed as such, due to the constraints under which the individual is placed.

“I agree that they make a choice, but I think, and this does fit with what we were saying, it is their choice to do it, but the time frame, and I am looking at the end of the scale where you might have offenders who say are in a bar minding their own business and someone starts fighting with them, do they stand there and get their heads kicked in or do they respond. It happened to someone I know, was just standing there minding his own business and got his jaw broken. People would say it was his choice to fight back, but if he didn’t fight back he might be dead and that’s the choice I am coming from, so although I do believe they have a choice and make a decision you have to take all of the circumstances into account because you can’t simply

describe it as though it's a yes or a no, black or white, it is not. There are a hell of a lot of things that go into a decision." SFG7F

This scenario seems to describe a situation where the decision to act is taken very quickly, in fact it may appear that the individual is left with little choice but to take one course of action (to fight back) or to not act at all, condensing the previously described 'choice to offend' and decision to engage in a particular offence into one. As the group member above suggests, even a scenario such as that given above is not 'black and white' and the reaction of the individual and his decision to retaliate can be affected by many factors. Another group member agrees, and reinforced this point.

"It is a combination of the immediate environment at the time and the choices available that may be limited." SFG5F

The factors that make up this 'immediate environment' as well as those that limit actual, or perceived choices for the individual will be unique in each set of circumstances.

Understanding an individual's perception of his or her choices in a situation is key to understanding what happened and what decision making, if any, took place. The group felt that perceiving a true picture of the circumstances and decision making factors for that offending individual can make their decisions appear to be more rational.

Another group member clarifies further

"The difficulty that comes in challenging and understanding is that to many of the offenders this is a way of life. To them, automatically if someone looks at them the 'wrong way' they will lash out. That is all they have ever learned. In the situation described before in the bar if that person hit back he may have ended up being prosecuted, and it is ok saying it was his decision to hit back, it was his decision, but

by just saying that it makes it sound too easy and simple. For something like this there is a risk of reducing a complex interaction of factors to a simple yes or no.” SFG7F

The basic assumption that a decision is made before an offending action was continued within the group, but the discussion began to make reference to the complexity of these decisions and the wide range of factors that may come into play.

Section 5.5: Gender

One of the factors that the staff group saw as integral to the complexity of decision making was gender. Although not raised as a concept by the offenders in either the interview or focus group settings, the issue of gender differences in offending proved to be a rich topic for discussion when it was brought up by a staff group member. This individual proposed that the issue of gender was pertinent to an understanding of offender decision making. The group offered their insights on why this may be the case.

“For me, female offending is very different to male offending. When I have dealt with it, I think it is sometimes hard to describe, it is like a different set of offending, and different offences.” SFG5F

Other staff members agreed with this perceived difference, and gave their thoughts on why this difference may exist.

“Well, for me, in my experience, one common theme is that say as we said, a relationship is often the reason for men considering leaving offending, while for many of the women the relationship seems to be the cause of it. So there is a really interesting dynamic there, so the same thing isn’t going to happen with the female offenders as the male, like they will meet someone and settle down because they have

already been through that experience and that may be what's driven them to offend."

SFG4F

"The other thing that is really common is domestic violence, but I have found it has been a common theme with almost all I would say of the female offenders that I have worked with in the past, whether they are experiencing it now or in the past it has been something that has changed the way they think about things very much. I need to look after no 1, me, I need to survive and everything is focused on that rather than what is going on around them. So when you think about decisions people make and what affects these decisions. It is really important not to generalize between males and female offending." SFG6F

The idea of gender being related to a differing motivation or reason for offending is an issue not covered by the offending cohorts, and is generated based on the staff group's observer stance of the offending process. The idea that there is a difference between how male and female offending is viewed is a concept that can be seen as similar to the perceived difference between acquisitive and violent/ emotive offending, but just as with the latter, it seems that the difference is more perceived than actual. As with the acquisitive/emotive divide, the reality is more mixed. Both males and females commit offences for emotional reasons, just as both may commit offences for monetary reasons (or any other reason). The perceived differences in both these cases, while not being absolute, may add to the way in which we understand why offenders offend, and how mixed rationality manifests itself between and within individual offenders. The theme of mixed rationality is returned to below.

Needing relief from bad feelings, or bad situations.

These descriptions of how a woman may come to offend appear similar to some of the descriptions given by offenders themselves within the interview narrative. In many cases, offending was seen as being due to the need to obtain relief from bad feelings or to escape a difficult situation. The perceived prevalence of this scenario amongst women offenders led to a discussion of whether the perceived differences between male and female offending was due to real differences between the genders, or whether these perceived differences were based in expectations of behaviour of the genders.

The group described their understanding of gender differences based on their own experiences.

“I think a lot of the women I’ve worked with there has been a more emotional reason sometimes behind it particularly because domestic violence is tagged in a lot of female cases and it does seem to be, it does seem that the reasons behind their offending have been a lot more emotional and entrenched on relationships.” SFG5F

This group member suggests that women are more ‘emotionally’ driven as regards their offending. However, it is not clear whether this perceived difference would be as a product of a qualitative difference between men and women offenders, that is, the natural ‘emotional’ state of women, or whether this perception is borne of expectations of male and female behaviour. If this ‘difference’ were to be thought to originate within gender as a biological determinant, then these emotional factors would have a powerful effect on offending decisions, and would perhaps mean that the offending decisions of men and women were very different. However, if differences perceived between male and female offenders were to result from ‘gender’ as a concept, or set of societal behaviours, this would have a very different effect on offending decisions. In this case, it may be that the ‘expected

behaviour' of a male or female offender would affect the outcome chosen by the offender in any offending decision, rather than being a biologically determined factor that actually affected how the decision process works. One group member suggests how societal expectations may complicate decisions for female offenders.

“I think female offending is different to male offending, because for females, there are different circumstances, there is more desperation at times to it, and it was necessary I suppose for them to, they saw it as doing what was necessary for them to survive in terms of you know, theft or whatever to support themselves and their children. They are seen as care givers, and may be pressured for their family, things like benefit fraud. There is a lot of that type of offending where they saw it as a necessary evil to survive in society. And then you get the other big side of female offending which is that of violence in terms of being involved with a violent partner and erm, responding to that or getting caught up in you know, retaliation I suppose to their partner and getting a criminal conviction for that. I think that is quite common you get a female offender on probation where you might be addressing their violent behaviour but also, not only is she the perpetrator but also the victim and I think it is very commonplace with females. So different circumstances affect them.” SFG4F

The question of whether women's offences are different to men's in some way, or whether they are perceived differently due to 'gender construct' was a provocative topic for the group. While it was felt by the group that offending may be different for (some) men and (some) women, it was held by the group that this was more to do with 'gender construct' and the differing circumstances surrounding offending decision making than any substantial differences in the decision making process. Indeed, the differences between those offenders wishing to obtain a goal, such as the acquisitive offenders, and those wishing to relieve a situation, such as the violent/ emotive offenders, are applied here as a difference between

male (the former) and female (the latter) offenders. However, just as the divisions between offence categories were not clear cut, the divisions between gender patterns are not. There was evidence from both male and female offenders within the interview cohort of both types of offending.

This experience would seem to suggest that whereas women offenders may present with a different set of problems to male offenders (such as domestic violence and caring responsibilities as described above) this does not necessarily mean that the offending decision process undertaken by these women is any different, rather the decisions are affected differently by these factors. Where women are seen as offending in a violent manner without these factors they can be perceived as buying into 'lad culture', which can be seen as a representation of 'male' behaviour. Another group member expresses this point in reference to girls in gangs.

"Sometimes it seems as though they (women) are beginning to accept the norms and group dynamics of what would have been a gang of lads and they were starting to be accepted rather than being peripheral to the group they may be pushing more towards the middle. That is just personal experience. Erm, what is interesting is some of it is because they were behaving differently; some of it is because they were expected to behave differently as well. We don't know as much about women's offending I think." SFG2F

The different roles of women within offending, and the different factors affecting female offending are a large and important part of any application of a theory of decision making to offending. As stated in the introduction chapter to this study, very little research has been done into women's offending decisions, and by far, the majority of criminological

research has focused on the men who make up the vast majority of the offending population. This was pointed out within the group.

“That is an important point because a lot of criminological research does focus on men. There is a body of work that looks at women, but from the feminist viewpoint, but they need to be part of the main body of work. Otherwise we will never get at the way offenders offend and the similarities and differences between men and women.”

SFG6F

Section 5.6: Mixed rationality

The issue of gender and offending is a rich topic, and this focus group indicated that they would certainly welcome the opportunity to explore this subject further. However the need to remain within the scope of the group was recognised and the discussion moved on to incorporating the insights from this topic into what might affect an offending decision.

“We need to stay with decision making, but what we have said is relevant. If we see women behaving violently in a ‘male’ pattern this is because they are deciding to do that because of whatever reason, maybe they feel as though they have got something more to prove than their male peers. Just like the men, they will have benefits of the offence. Again, it is the reasons why that person is in that situation at that point in time. One thing is they might make a decision at the time of the offence, but there is a set of circumstances that lead to that being made. We need to understand those to understand the decision.” SFG6F

Whereas differences in how individuals make decisions have been highlighted, the group also discussed how decisions to commit different offences by the same individual can be motivated by different goals.

“I used to supervise this offender who when his wife started getting on his nerves deliberately used to get lifted so he could have a few weeks away from her then they would patch things up and get back together then he would come home then 6-12 months later they would start getting at each other again, he’d get caught, go back inside and have some time apart. You could see the pattern. He chose his offence based on what he wanted to achieve – whether he actually wanted to get money, or just get caught for a spell away from home.” SFG2F

It seems that even for the same individual decisions can be affected by different factors, with different outcomes chosen. Once again, this was a theme that emerged from the interview narrative, which revealed a variation of motivation for offending within the same individual at different times, between individuals committing the same offence and even within one offending event. The group introduced the concept of timescale to the benefits of an offence, suggesting that one of the reasons that the same individual may commit a different offence depending on how long they needed the benefit of the offence to last.

“Shoplifting is a short term outcome, something for the here and now. Say another acquisitive offence, such as an armed robbery, sets you up for a good while. It is how far ahead they are thinking. In this case the desired outcomes might be similar, but the time span of how long they can last for is different. One time a person may just want a few quid for something specific, but then may plan a big job to set them up.

Motivation to commit very different offences may be very similar, but just vary in the way of achieving their goal.” SFG1F

Other examples were given:

“You often find that more high end acquisitive crimes with, like robbery, there has to be more anger or strong feeling as compared to someone who is going into a local shop to steal something. The factors behind a robbery may be the same as behind an assault, if someone was maintaining a reputation or getting revenge or something. It is important to look at the reasons, and not make assumptions based on the type of offence.” SFG3M

This mixture of motivations and offence types is redolent of the complex patterns and themes found in the interview narrative. The individual quoted above believes it is paramount to understand the decision making and motivation behind the offence, and that assuming these motivations from the offence type can be inaccurate. However, discovering the real reasons that the offence occurred can sometimes be difficult for staff.

“I think it does partly depend on how much the offender understands their own decision making process as well though, because with burglars for example or whatever, they may be able to relate back to the reasons why they are doing things, they may be able to understand their decision making process a bit more than say a sex offender, perhaps because their reasons are not so emotionally charged. A sex offender may make decisions for different reasons, but not actually link up the things that are affecting their decisions with what they do. This could apply to anyone. Many people have difficulty understanding their own thinking processes, and if the person themselves does not understand it, it makes it harder for someone else to understand it.” SFG1F

The ability of an offending individual to describe and recognize his or her own motivations will vary between individuals, and even between different offences within the same individuals. As one group member says

“Some are better than others at relating what they’ve done back to their reasoning and thinking and are better capable of verbalising it, but for some they may say a mist comes over them, and it just happens. Perhaps it is where the things affecting their decisions are more emotionally charged. Some people are good at it and some are not. If emotional aspects are important then we need to see those as valid. It is not just offences like violence or sex offences; this applies in other cases too.” SFG5F

The offender group agreed with this assertion that an individual can have experiences of both planned and unplanned offences, and that for them, the difference seemed to be between the type of offence that they were talking about.

“One thing is the difference between shoplifting and getting stuff, and violent stuff, it is different. But most people done both – their experiences are different.” FG4M

The individual factors that make up the experience of individual offenders are again central to any work that the staff within this group see as being productive in working with decision making. The overall emphasis of this group discussion was on the basic assumption that a decision in some form is made prior to any offence, but that these decisions are unique to the individual making them, and to the circumstances and motivations of the individual at that time. Only in understanding these factors, say the focus group members, can any successful work with offenders be undertaken.

“It is different for everyone, every person and every offence. Say someone committed a robbery, they may feel a lot of anger, that may be one of the reasons they decided to

do it, but sometimes they generate it deliberately as a way of winding themselves up to get adrenaline. People are complex, and I would say there is a decision to offend in all cases, but everyone is different. Some people are good at expressing what they feel or how we make a decision and some are not. That is a big thing – everyone is different. Some individuals commit offences and some don't, but they may have the same motivations and deal with it differently.” SFG4F

The premise that each individual will have made a unique decision regarding each of their offences does fit within the Rational Choice model of offender decision making, but it does not necessarily follow that this provides supportive evidence for the model. The decisions being described here are not the well thought out weighing up of costs and benefits described by the model, neither in terms of the decision to offend, or the decision of which offence to commit. In reality, decisions appear to be so bounded by available options that this process would not apply.

For the staff group, working with these individual decisions is essential to any work with an offender group, and an understanding of each individual's decision making process is paramount to explaining individual behaviour. The group do not necessarily see that offending decisions can be categorized by offence type, or gender, and in fact their experiences suggest that the decision made in each case is a complex process that goes far beyond the weighing of simple costs and benefits, and the number of factors at play can be numerous and subtle. One group member sums up their understanding of how an offending decision takes place.

“All sorts of things come out when you talk about why someone offends, for example, I do have an offender who has committed attempted murder and one who shoplifts and they give me similar reasoning. Just because someone shoplifts does not mean

they are not completely different from another shoplifter, or they are different from someone who does something else. Of course in many cases there can be a big overlap with reasons they do something, and also with things that put them off. Just not official sanctions like we said! Things like family circumstances changing is a big negative for decision making. It is dangerous to assume that people are the same, without exploring things first.” SFG2F

Another group member adds:

“So if you ask yourself, was a decision made, it is always different. There may be a clear decision, or else a set of circumstances they go through to lead up to it, and the important thing is what affects the choices and decisions they make. It is almost not important to guess or to know in advance what they might be, it is important to know everyone is different and find out what those things are that are important to them.” SFG7F

While staff continued this discussion at length, the offending group also covered the issue of mixed rationality, whether this was within one individuals’ experience or between the commission of various offences. FG3M contributed his understanding of his own, and of others’ experiences.

“There is a difference in how it happens. He’s organised (indicating FG6M) and I’m not, so you could say he thinks and I don’t. FG2M has been involved in robbery and assault and theft and says each is different too, but you can’t say one (offence type) happens one way and one is the other. FG5F has done violence, but I can understand why she chose it, no other option, but she knew what she was doing.” FG3M

This individual appears to be saying that one individual can have different experiences throughout his or her offending career, and also that the reasons behind the offence can not always be understood by just looking at the offence type. FG2M agreed with this statement that different offences, and different individuals, had different experiences and ‘different stories’ (FG2M) about whether they would say they made a decision.

“My recent (offences) are violent, but there are other times I’ve decided, it’s deliberate, and there are other times where a fight just happened.” FG2M

The use of the phrase ‘I’ve decided, it’s deliberate’ implies that at least in some cases, this individual sees his violent acts as being a choice, while admitting that in other situations things just happen. Another group member agreed with this statement, going so far as to give an example from his own experiences.

“Say I’m going to an area (of Liverpool) and I know I’m going to get grief up there: I’d have a drink and fly right through there, open for them to come over. Stupid I know, but it’s like one of them things, its wrong I know, but I go in sparking for the fight, knowing it.” FG3M

Section 5.7: Alcohol and drugs

The narrative recorded by FG3M seems to suggest not only that he makes a decision to go ‘sparking’ for the fight and enter an area of Liverpool where he is not welcomed in order to provoke trouble, but that he actually prepares for this by having a drink in advance. As recorded in previous chapters, alcohol and drugs are common elements in many offences and once again this appears to be the case with the focus group cohort. At the same time as

admitting that he uses alcohol to get him ready for the fight, this young man suggests that alcohol has caused him many problems. He describes how drinking alcohol affects him.

“I am an angry person. Sober, I don’t take any shit, but with a drink I am worser. If I am sober, I can go back and think. You don’t have that sense of control, it makes it worser. Makes you deal with things different. I am just sort of, they come to fuck me I’m going to get them first. Sorry for swearing. I drink to try and give myself that confidence sometimes you know, ‘if they are coming I am ready’, I don’t know, but with the drink in me I can’t always tell, I get it wrong.” FG1M

This is supported by another individual, FG2M

“You give as good as you get with your mouth when you are not pissed yeah, but when you’re pissed your fists talk instead.” FG2M

The tendency of alcohol to alter the way of thinking is a theme touched on in the chapter regarding interview narrative. Here, as in that chapter, the individual views his behaviour in hindsight as surprising.

“You look at yourself in the CCTV the next day in the Police station and you are like to yourself ‘Fucking hell lad, what are you doing?’ Fucking drunken nuisance behaviour’ FG3M

It is not just alcohol that these individuals report as affecting decision making, but also drugs. FG2M describes how marijuana has affected him.

“I be getting myself all wound up and paranoid and that on the weed thinking me mates were like, dogging me, and being slimy arses and all that. I just think, you fucker, so I start sitting and smoking more weed and the more I am smoking the more

I am making stories up in me head and that and I end up flipping and going on something and its no way to be with your mates. I hardly got any left now.” FG2M

The individual above describes how smoking marijuana caused him to have difficulty in discerning between the ‘stories’ in his head about his friends and their real life behaviour, a pattern which he freely admits has been the cause of many of his violent offences. The tendency of marijuana to alter thinking patterns was backed up by another group member, FG1M

“Me too, I know it was all in my head, but looking back it felt real and shit, cause at the time I was (smoking marijuana) it all seemed like it was, that’s what was going on afterwards when I sat down and thought about it, I thought yeah, well I thought everyone was out for me, but it was all made up and I’d just made it all up in my head. It made me think different, so about decisions, yeah they were there and I made them but they were bad.” FG1M

The idea that using drugs or alcohol could affect decisions was acceptable to the group, but while they agreed that using drugs or alcohol could affect the way they think, the group members did not necessarily agree on which substance was more likely to do so, instead agreeing that each individual is affected in different ways. FG2M asserted again that smoking marijuana was the root cause of his offending:

“The weed has a big hold on me, it makes me think, like I said, paranoid. The times I have been in trouble I have done people over because of the weed, it makes me think into things and make up mad stories in me head and stuff like that.” FG2M

FG3M agrees with the sentiment, but not the cause

“It affects people different – I know what you are saying ‘cos that’s me, but for me it’s the ale what does it.”

FG4M also concurs

“Weed chills me out, it’s the ale does me in too.”

FG3M goes on to say

“I smoke weed regular, every night. I smoke two or three spliffs and they chill me out. If I didn’t have it I’d go mental rather than the other way around, you know, people say it gives you mental health problems but if I didn’t have it I’d go mental. If I couldn’t have it I wouldn’t know how to cope, because I am used to it.” FG2M

This individual, along with another of the group, claimed that smoking marijuana actually prevented them committing another offence.

The variation in opinion on the effect of substances on decision making reflects the variance on the same topic found within the interview narrative, and it seems that this is a pertinent issue in trying to gain an understanding of how offenders choose to offend.

Section 5.8: Summary

Overall, many of the themes emerging from the focus group discussion echoed the themes and concepts that were drawn out of the interview narrative during analysis. Where these themes overlapped, the same viewpoints were expressed. For example with regards to the costs of offending the consensus was that formal penalties were not effective. In contrast, while the interview cohort analysis developed several concepts related to the theme of benefits of offending, this was not a theme that was discussed within the focus groups in any

detail. Central themes such as the difference between acquisitive and violent/emotive offending experiences and motivations were common across the data sets, and intriguingly, also the concept that while these were in general, experienced as being borne of different motives, the difference was not as clear as first thought.

The concept of mixed rationality, within individuals, and within offence types, also formed the basis of considerable discussion in both groups. The incidence of these concepts occurring in all three cohorts does suggest that there is some real merit in pursuing these ideas within a model of offender decision making, if such a process as described by the staff and offenders can be described as decision making. While initially, the discussion around the existence of decision making was polarized with the offender group insisting in their first response that no decision was present in offending events, and the staff claiming that there was always a decision, during the course of the discussion both groups appeared to meet somewhere in the middle. Essentially, both groups concluded the same thing, that sometimes there is a decision, and sometimes there is not, and this is not as simple as being attached to a particular type of individual or offence.

An element not brought out by the offenders in either cohort, who spoke about personal experiences, was the effect of gender on offending. Staff, who were discussing the offenders they had worked with, had a wider perspective on how a person's gender may affect their offending, and appeared to agree that this was the case inasmuch as their gender roles impacted on their situation, and expected behaviour. This can be related back to the rational / emotive dichotomy that appears to some extent to be related to the split between acquisitive offences and violent/emotive offences, although just as with this apparent dichotomy, the gender difference is not so polarized. Once again, while this split may be observable between gender based offending it is an apparent, rather than real difference. Uniting this premise of mixed rationality with the concept of a sequence or chain of choices

being pertinent to the creation of the circumstances in which an offence takes place, suggests a process of offending decision making that is far more complex than that which is set out in traditional, 'thin' models of offender decision making. The compatibility of the 'thick' Rational Choice models and the concept of mixed rationality and chains of choices discussed within this chapter bears further examination. These concepts require further consideration to determine if these enhancements to understanding of the offending decision can be accommodated within these 'thick' models, or if modification or amendments would be needed to the existing models of offender decision making.

The following chapters will pursue these themes and ideas, placing them in context of previous research, in addition to developing further the models and concepts emerging from both the offender and staff narrative.

Chapter 6: Discussion

Section 6.1: Overview

The aims of this study were to investigate the evidence that a process of decision making exists within the offending experience, and if so, to develop a picture of the factors that influence these decisions. In doing so, it was further intended that evidence gained (if any) on the existence of the ‘decision making calculus’ could be assessed as to a fit within the Rational Choice framework, and to outline any developments or amendments to the framework that may be suggested by the data. To achieve this, a sample of individuals who had been convicted of at least one offence was employed, using a mixed methodology of interviews and focus groups. The interviews were designed to obtain a first hand view of how the individuals thought about their offences, and to explore any evidence that a decision to offend took place, and any relevant factors that affect this decision.

This chapter will review the results presented within the previous chapters and in doing so will:

- Develop the themes and concepts emerging from the data, and
- Relate the findings to previous studies within the field.

The subsequent chapter will continue this discussion of emergent themes by exploring the capacity of the Rational Choice approaches to crime to explain the findings. In addition, the different elements of rationality evidenced in this study and the complex relationships between circumstances and the individual will be explored, and any developments of theory that these may suggest will be discussed.

One of the primary aims of this study was to examine the evidence that an offender engages in a decision making process before an offending event, and if so, to what extent

these decisions fit a Rational Choice approach to decision making. Examination of the interview narrative evidence begins to suggest that for some offenders at least, this decision making process is present. At its basis, Rational Choice Theory rests essentially on the core assumption that a decision is made before committing an offence, and this decision is based on a process of the weighing and measuring of perceived outcomes relative to perceived effort of an action. Offenders are thought to make a judgment of an action that gives them the 'highest expected utility' (Cornish and Clarke, 1986). As shown in the previous chapter, this decision making process certainly begins to show through in this data. Individuals speaking about offences such as shoplifting, theft and burglary describe in detail the decision making process they go through before committing an offence, and express a thought process that is clearly defined and purposeful.

If a decision is defined as a process in which reason is applied to balance various costs and benefits then this definition can be applied to much of the offender narrative, supporting the hypothesis that at least in some cases offenders do make a decision about committing an offence. Where interviewees have been recorded as using phrases such as 'I thought' 'I planned' and 'I had a reason' as well as more general allusions to planning, consideration of outcomes and preparation for offending (such as taking orders for specific goods), this content was taken as indicative that an offending decision was present. Even where these phrases, or similar phrases, were not present, a great deal of the narrative reported by acquisitive offenders displayed a level of contemplation, strategy or self-debate that would suggest a 'thought process' that could be interpreted as making, or thinking about making a decision. Certainly, although none of the individuals ever used a phrase as straightforward as 'I made a decision' the majority of the acquisitive offender interviewees discussed the planning, weighing up and execution of the offending act in such a way, and in such detail, that it was clear that the individual was engaging in a process of active thought about their

actions. Examples of this are plentiful from the narrative reported in Chapter Three with individuals detailing taking orders for goods, planning outfits as a disguise, planning the route or target for a robbery, and many other examples. The extent to which these decision experiences can fit within a Rational Choice approach will be considered further into this chapter.

Conversely, and juxtaposed to these offenders, the findings also suggest that there is another set of offenders for whom their phraseology and description of events does not suggest an offending decision was present. These offenders typically describe a set of circumstances where things 'just happen' to them and to these individuals, events are perceived as being beyond their control. In contrast to the pragmatic and deliberative approach to offending generally presented by the acquisitive group of offenders, the other group of offenders in this study referred to throughout as violent/emotive offenders report quite different experiences.

After considering the often careful thinking that can go into the commission of one of the shoplifting, burglary or similar offence types described above, this set of violent/emotive offenders serves to reveal a different view of how an offence occurs. Phrases such as 'it just happened', 'I saw red', 'A mist came over me' and 'I lost it' were common with these types of offences. In many cases, when asked to describe what happened during the commission of the offence, the individual jumped straight into the moments after what had happened ('I hit him') unlike the acquisitive offenders who in general, began by describing what they set out to do, and why.

Where this offender group do speak about the period before the offence, this picture generally involves a description of high feeling, such as frustration or anger, and this strong feeling being the force behind the action, in some cases almost sounding as if this 'force' had

acted to directly cause the behaviour, such as phrases similar to 'it was blank, and adrenaline' or 'I just lost it and flipped'. In addition to these 'action' phrases, several of the individuals discussing violent offences used phrases in their narrative expressly declaring that they were not undertaking their usual thought processes, displayed by individuals saying things such as 'I was not in my right mind', 'I was not thinking straight' or even 'like a split personality, Jekyll and Hyde'. Narrative extracts such as this could be interpreted as stating the inverse of the processes claimed by Rational Choice Theory, in that it states individuals engage in a process of weighing up possible outcomes based on costs and benefits.

In these cases, it appears that the individuals' experiences suggest that in essence, they feel it is not 'them' that is acting, or thinking, and therefore this controlled process is not taking place. The key concept of control is an element of contrast between the two groups, and is a useful concept to apply to each set of narratives to examine how 'controlled' the offending activity was in terms of the offender perspective. In the case of acquisitive type offences, the individual can be said to have identified his or her own goals and 'benefits' of an offence, and equally, have made his or her own judgments of costs and risks. In establishing these factors, the individual then engages in a process of 'weighing up' these factors. Many examples of this are present in the narrative, with offenders describing thoughts such as 'the specific intention of making money', 'my offences were well planned' and 'think, plan, then go out' being typical of this process. In contrast, the violent/emotive offenders present a different viewpoint. In much the same way as the acquisitive offenders do not state 'I made a decision' and the red mist offenders often claim 'I was not thinking', when looking at the aspect of control of the offending act, the acquisitive individuals do not state words to the effect that 'I was in control', yet the red mist offenders clearly state they were not in control; phrases such as 'I lost it' and 'I flipped' expressly state a lack of control at that time.

Section 6.2: An offending decision?

It appears then, on initial inspection, that there is mixed evidence for the existence of the 'offending decision' as defined by Rational Choice Theory. Though not stated implicitly by those offenders with acquisitive offences (shoplifting, theft and burglary for example) in that offenders did not state 'I decided to/that', there is considerable reference in the narrative to thinking, deliberating, planning, and adapting that would suggest that a thought process that could be conceived of as 'decision making' took place. Though not explicitly stated, it would certainly appear that these individuals felt they applied an active process of thinking to their offending. In contrast, the violent/emotive group of individuals did state explicitly that they experienced no such deliberation, with offenders directly expressing 'it just happened', and 'I lost it', their experiences of their offending often starting after the event itself had taken place. For these offenders, it is only when prompted that they review events immediately before the offence.

Even at an early stage of analysis of this data, several concepts and intriguing contrasts are emerging. A brief overview highlights the fact that there is a fundamental difference in the way (in general) these different groups of individuals experience their offending. The element of control in the phrases used typically by these groups is pertinent, and will be returned to in greater depth presently. If then the presence of decision making can be claimed in part, can such a decision be described as a 'rational choice' as per the theoretical definition, and even if this can be demonstrated, where would this leave the rational choice of offending as a model given that, for half of the sample examined here, no evidence of decision making appears to exist at all?

Section 6.3: 'I want / need'

To take firstly the cases where decision making did seem to take place, various elements and factors described by the individuals in interview can be examined in reference to their relevance to the Rational Choice model. An initial point to consider is the normative status of the 'thin' or classic Rational Choice approach to offender decision making. Any decision, as viewed through this approach is based on a weighing up of options where knowledge of these options is assumed and the decision maker has the time, ability and capability to process this information. Of course, in reality this 'thin' or Classic approach may apply to very few real decisions, to offend or otherwise.

Individuals interviewed within this study in many cases do almost describe a measured thought process, made over a period of time, and considering many different factors. However, in light of the fact that many of the most reasoned arguments appear to be made by those who are offending to obtain drugs for example, the 'ideal' decision making environment may be compromised in some way. The term 'bounded rationality' as used by Cornish and Clarke (1986) is an attempt to account for this, suggesting that any decision and decision maker will be bounded by the level of their knowledge, the capacity for processing that knowledge, and the time available. In this example, a decision maker who is also a drug user may have a wide knowledge of potential costs and benefits (and indeed, extensive experience) as well as sufficient time to plan, but they may be viewed as having decreased capacity to make that decision due to the influence of the drug.

While the advantage of the 'thin' Rational Choice Theory is that the assumption of normative status avoids having to account for the motivation of the offender (Hechter and Kanazawa, 1997), it is clear from the evidence within this study that individuals do not in

most cases make their decisions under ideal conditions, and furthermore, their motivations are key to the execution of their decision making.

One particular example of how the decisions described by offenders in this study depart from the measured and logical decision calculus described by 'classic' Rational Choice Theory is the manner in which offenders dismiss or choose not to consider potential negative sanctions. Unlike the 'bounded rationality' concept which may suggest that the offenders had little understanding or knowledge of these outcomes, many of the interviewees declared that they had a good understanding of these outcomes, many of them having extensive experience of the penal system. The narrative suggests examples of those who have detailed knowledge of the sentence escalation for repeat offenders, have served several prison sentences, and have a good knowledge of the arrest and conviction process. It could be argued that although these individuals' decisions were not limited by knowledge of formal sanctions, they were perhaps limited by knowledge of other possible alternative courses of action to achieve their needs. Once again, offenders in several cases suggested that they did know of other options (such as working, borrowing money from family etc) but that these options were no longer, or had never been open to them. An intriguing idea, introduced by the interviewees themselves, is the suggestion that although the offender may be in possession of the knowledge of what would happen if caught and arrested, they choose to discount this in their decision making process. Many examples are recorded in the narrative of offenders stating this, a typical example being

'When you do it you don't think about the consequences, you just go ahead and do it. Not that you don't know them, Oh no, you know what can happen, you don't think about it at the time.'" (Offender code 28M)

The reference made here to other opportunities not being open suggests that although a decision may be made, the range of options open and therefore the decisions made may be limited by circumstances (Felson, 1986). This recognition of the importance of circumstances, as well as the individuals' perceptions of those circumstances is a key element of the 'thick' family of Rational Choice Theories (Hechter and Kanazawa, 1997) and begins to suggest that stepping away from the thin, economic Rational Choice approach does supply a more realistic framework for the evidence described here.

To refer back to the concept of bounded rationality it is clear that an individual's perception of possible outcomes is leading them to become 'bounded' in their decision making, that is, the decision is not based on a full review of outcomes, costs and benefits, by utilizing a self imposed 'boundedness' and not taking note of some of the knowledge that they possess. The knowledge of potential sanctions and the nature of these sanctions being discounted from the decision making process is a phenomenon noted by other researchers in the field. Shover and Honaker's 1992 study of 'persistent property offenders' found in their sample that while knowledge of the risks of offending may exist, this risk is not necessarily allocated any thinking time or 'mental space' when deciding to commit an offence. This was certainly reflected within the individuals in this study.

The reasons that offenders do this has been suggested to be due to the comparatively large impact that the benefits of offending have on the decision process, and that any risks would need to be highly substantial before they negate these benefits. Therefore, in many cases, an offender would simply 'not think about it' and instead focus on maximizing those benefits. This phenomenon, found in a range of offender decision making research (Shover and Honaker, 1992; Wright and Decker, 1994) has wide ranging implications for criminal justice policy which is based on deterring crime through criminal sanctions (Matsueda, 2006b).

If offenders state that they do not think about the potential negative consequences of crime, at least in terms of formal sanctions, then where would this leave the Rational Choice approach to decision making 'costs', a central component of the decision making model? As stated, both within this study, and within previous research, evidence has suggested that many offenders simply do not allow themselves to think about getting caught (Shover and Honaker 1992, Wright and Decker, 1994). Other studies have suggested that where offenders do think about being arrested or convicted of offences, they will assess these sanctions in terms of the probability of capture and punishment. In general, offenders perceive that it is unlikely they will be caught. For example, Corbett and Simon, in their study of driving offenders, (1992) found that for high frequency offenders, estimates of the probability of capture were low. Individuals interviewed within this study expressed similar views. As described in Chapter Three many explained that their experience had taught them that they could commit a number of offences before being caught

“There are 70 odd charges on my pre-cons, but I have loads more – 15 years worth of doing it daily.” code06F

Estimates of the probability of formal sanctions are clearly relevant to the subsequent 'discounting' of these factors from the offending decision. These perceptions of risk are dynamic, and will be altered by changes in the individual's experience and knowledge. Paternoster and Simpson (1993) demonstrated this in their study of Australian Chief Executive Officers, asking them to rate their perceptions of the likelihood of apprehension when committing a corporate crime, and found that different factors, such as knowing a similar act had been discovered and prosecuted in the company did affect ratings of risk. These changes in risk perception can also occur due to changes in family or personal circumstances. For example, individuals within the offender focus group spoke at length about how changes in their family lives, for example a terminally ill parent, meant that the

risk of arrest and imprisonment was now viewed far more seriously than before. If examined carefully however, this increased 'risk' of arrest is not in fact a statement by the individual that they feel the probability of arrest has increased. It is in fact the value that they place on the formal sanction, or rather the value they place on the impact the formal sanction may have, that has changed. When individuals within this study speak about the risk of being caught, they do not refer exclusively to the probability of that happening. Instead, risk is a value-laden concept, which is factored into a decision. As stated, many individuals within this study reported that they perceived probability of formal sanctions as being low. Additionally, however, there was extensive evidence that even where this may happen, the offender did not perceive this as being very important to them, that is, they did not place a high negative value on this experience, such as the comment below.

"I have been going to jail since I was 16 and it has never bothered me." code09M

It could be argued that a low perception of the probability of capture, coupled with a low negative value placed on what would happen if actually caught, may result in the rational outcome of the 'risk' of formal sanction not featuring greatly in an offending decision.

If formal sanction costs are not found to be pertinent to the making of an offending decision, then what does evidence suggest are the negative consequences that are factored into this process? Previous research has suggested a range of informal costs that apply to different individuals and different offences. Paternoster and Simpson (1993), in the study outlined above identified moral reasons, reputational costs and conscience as salient factors. Additionally, shame, guilt, and family disapproval are all personal costs that may apply (Tibbetts, 1997). These costs fit with the evidence from this study. From the impact on children and other family members discussed at length in the offender focus group, to the 'emotional fall out' described by one of the interviewees, it is clear that where costs are

factored into an offending decision, these will be personal and unique to the individual, based on their own values. One such example is the deterrent effect of shame, and loss of reputation, that one offender in the focus group referred to as a deterrent from shoplifting. In his case, the shame of being caught for such a 'trivial' offence was effective at preventing him from shoplifting, an interesting insight given that he was however happy to carry out violent street robbery. In this case, being arrested has acted as a deterrent, though not in the way that would perhaps be expected. This offender would rather be caught for a more serious offence, than be caught for shoplifting, as the latter would be perceived as damaging to his reputation (as an offender). Therefore, it can be surmised that it is not the possibility of sanction for shoplifting that he is worried about as a cost per se, but instead the concurrent costs to status and reputation that this would involve.

This point leads to the salient observation that it is paramount in analysis of any offending decision to ensure that it is the costs and benefits as perceived and valued by the offender that are utilized in that analysis. As can be seen from the evidence presented within this study, the potential costs of crime which may discourage an observer (such as a researcher or other member of the public) may not be valued in the same way by an offending individual. This phenomenon was observed even within a potential offending population, by Carroll and Weaver (1986) who found that inexperienced or novice shoplifters were deterred by the threat of formal sanctions far more than 'expert' shoplifters with more experience.

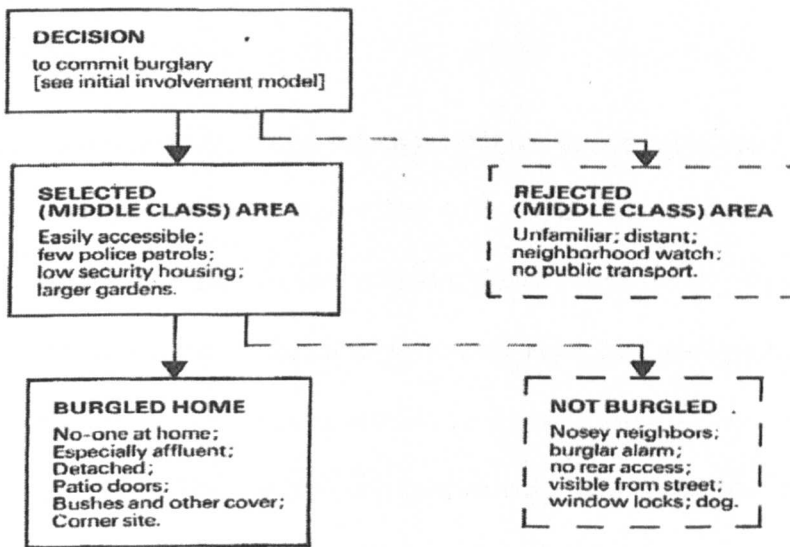
Once again, the evidence suggests a departure from the confines of a traditional thin Rational Choice Theory, which focuses its attention on financial costs as pertinent to decision making, and a better fit with a more flexible thick Rational Choice approach which can encompass non-financial outcomes as being equally important to the decision maker. Shame, family costs and costs to lifestyle are all cited by offenders within this study, and appear to have a powerful effect on their decision making.

Section 6.4: Planning

At the opening of this chapter, one of the elements of narrative used to classify a rationally based decision was a phrase such as 'I planned'. Planning was a strong theme in the narrative among those offenders describing their offending decisions, and further analysis of this narrative reveals the centrality of planning to the offending decision. In many cases planning is discussed in offending models as occurring after the offence is decided on.

Consider Figure 6.1, developed by Cornish and Clarke (1986)

Figure 6.1



For example, the diagram above, illustrates the planning of the offence as being taken *after* the decision to offend. However, narrative from the interviews conducted for this study suggests that far from being an afterthought, the planning undertaken by these individuals is actually an integral part of the process of weighing up the costs and benefits. In doing this,

the individual appears to be assessing how these costs and benefits can be manipulated in advance of making a final decision to participate and only then if the balance of outcomes is in the individual's favour. Examples from the interview narrative are numerous. One individual describes at length how she would avoid a raised risk of capture by changing her appearance before each offence, and changing the target shop on a regular basis. Another individual states that he would not commit his favoured offence (walking from a supermarket with a trolley full of goods) unless he had picked the best time to go, and had dressed in the correct way. There are several examples of shoplifters planning ahead by taking orders and making a 'shopping list' so that they would not be left with unwanted goods. Examples from other offences include making mental notes about building security when visiting acquaintances, and then only deciding to burgle the property if the goods available outweigh the difficulties.

This is similar to the 'target selection' that has been demonstrated in burglars (Bennett and Wright, 1984b), but also subtly different, in that in these cases, it seems that the decision to commit a burglary has not yet taken place. Within the target selection pattern, an individual is thought to decide they need to commit a burglary, and then to go out reviewing potential targets and actively seek out a likely property. In this case, the pattern is slightly altered, as the individual is prompted into considering a burglary by noticing a property is poorly secured, and that the occupier is vulnerable and unlikely to cause too much trouble. The decision to burgle is then made based on these conclusions. The difference between these two scenarios may of course not always be great, but the point remains that far from being a post script to the decision to offend, planning the offence can actually be part of the decision making.

The length of time taken to make a decision of this type is an intriguing insight into the thought processes of the offender. As suggested, some models of offender decision

making view the planning process as coming after the decision to offend is taken, in many of the examples from this study, planning appears to be an integral part of making that decision. Individuals have described various timelines for this planning process, from the day or several days before (when visiting an acquaintance's home which is subsequently burgled) to the day before, to a few hours or minutes before. Even for several of the drug addicted offenders, evidence of detailed planning was put in place, with examples being given of saving enough drugs from the day prior to ensure that the individual feels well enough to offend efficiently and calmly. The extent to which the thought processes begin in advance of the offence taking place was studied by Zamble and Quinsey (1997) who used timelines with Canadian released prisoners to encourage them to plot how far in advance the plans, or thought of the offence occurred, before arriving at what Zamble and Quinsey call 'the point of inevitability'. Interestingly, they found that those individuals committing property crime did not display any real evidence of thinking or planning ahead, and the only group within their example (which included violent offenders) that did evidence any prior thought were robbers, and even in these cases this was minimal.

This does seem slightly at odds with the evidence from the offender narrative reported within this study, where offenders were categorised as showing decision making. Of course, there was another group of offenders (violent/emotive offenders) which have not yet been examined within this chapter, but limiting this comparison to the property and other acquisitive offenders there is a contrast between the findings of this study, and those recorded by Zamble and Quinsey. There could be several reasons for this. In terms of the complexity of a decision being made, evidence from this study does suggest that an offending decision is not a discrete, self contained process of thought, but can be a decision that is developed over time, and altered depending on the offender's success at manipulating the benefits and risks associated with that offence. This multi-stage decision making process has been discussed

and evidenced in several studies. Nee and Meenaghan (2006) found in their study of burglars that the decision to burgle was made away from the scene of the crime, with the actual site being selected afterwards. This implies a decision process over a period of time, in a model that fits within the 'target selection' scenario discussed above. This finding was supported by Bennett and Wright in their study on burglary (1984b).

However, this pattern, while established in previous research on burglary, does not necessarily fit with all of the evidence available from the interviewees within this study. As stated, in several cases, the selection of the target was integral to the decision making process, placing these offenders at some point between opportunistic offending (which implies an impulsive decision to offend based on an observed opportunity) and a target selection pattern, in which the decision to offend is made in advance and away from a feasible opportunity. Clearly, offending decisions can fall at any point on the continuum. Lattimore and Witte (1986) describe a two stage decision making process which fits with these findings. The first stage they refer to as 'editing' in which an offender will set values on the perceived outcomes of an offence, discard prospects that are clearly outweighed by others, and compound, or put together different outcomes with similar probabilities. The second stage, evaluation, is concerned with choosing the actual 'winning' action that is the output which secures the best outcome in terms of risks and benefits for the offender. This could be seen as happening in either order, with the final part of the decision, i.e. deciding on a burglary, occurring before the 'weighing up' value setting (or target selection); or the other way round, as found in this study, where offenders compare possibilities and manipulate probabilities before deciding exactly what their course of action should be. Indeed, it is feasible to assume that for some offences, this decision making is an ongoing process wherein the re-assessment and re-valuing of costs and benefits can occur again at any point until the offence is actually complete.

Understanding an offending decision in this way is of paramount importance to explaining a variety of situations, in which offenders, having decided to offend, change their minds due to unexpected elements, or where offenders who commit opportunistic acquisitive offences process these decision making stages very quickly. In the former example, this change of heart could be conceived as an offender, having made the decision to offend, reconsidering this based on a re-calculation of risks or benefits, perhaps triggered by a new factor in the decision making calculus (a present homeowner, a new security system, or indeed the offender not feeling well for example). As demonstrated in prior discussions of the methodology of measuring 'intention' to offend in a hypothetical scenario against actual offending (Topalli, 2005), one does not necessarily indicate the other, and the two cannot be conflated. An 'opportunistic' offence could be described as a potential offender being presented with a situation that triggers an evaluative process very quickly, resulting in an offence.

This particular example raises some interesting parallels with previous research into the area of offender expertise, and what this 'expertise' may mean to offence based decision making. Within the interview narrative, several examples exist of individuals describing themselves as 'skilled', 'specialised' and 'expert' in various fields of offending, basing these judgements on their high success rate, level of experience and knowledge of their chosen 'field'. This is a phenomenon found also in previous criminological research referring to the way offenders make decisions. A study on shoplifters mentioned above by Carroll and Weaver (1986) compared 'expert' shoplifters with 'novices' and found that the expert shoplifters used their previous knowledge and experiences to think strategically and make better decisions about their offence. Nee and Meenaghan (2006), after studying the decisions of expert burglars, concluded that experience of burglary and development of burglary 'expertise' was a good alternative for planning ahead and prior knowledge of the burglary

site, and therefore expert burglars were able to act more swiftly to offend if an opportunity arose and the time elapsed between decision to offend and the offence could therefore be shorter. Feeney made a similar argument (1986) based on his study of robbers, finding that once again previous experience reduced the need for planning, allowing offenders to think about their offences more quickly. Topalli goes further to explain how this 'expertise' may help with decision making, describing offending expertise as a mixture of perceptual skills and procedural knowledge.

Effectively, this would mean an offender would have the ability to effectively carry out the 'editing' phase of his or her decision, using his or her perceptual skills to weigh up the risks and outcomes of an action and their procedural skills to determine the exact nature of that action far more quickly than an inexperienced offender. There is certainly evidence of this 'practiced eye' within the interview narrative. Consider the individual who while visiting an acquaintance was alerted to cues indicating poor security and the vulnerability of the inhabitant. His 'expertise' in offending highlighted to him that this property was a potential target, and he decided to return later. Several demonstrations of skill were described by other offenders, who used their prior experience to their advantage by manipulating their image to reflect a persona that may be perceived as less suspicious by guards and other officials, such as the 'nurse' or the 'businessman'. One individual went so far as to express her enjoyment of shoplifting in the 'difficult' shops with better security, just so she could enjoy the challenge.

The way individuals describe their skills or 'expertise' may add to our knowledge of the decision calculus taking place by illustrating some of the judgement heuristics employed when an individual is making a decision. It is clear that the heuristic of 'representativeness' is employed with several individuals basing their predictions of difficulty in getting away with an offence, or possibility of apprehension, on their previous experiences (Tversky and Kahneman, 1982) These heuristics can be seen to enable offenders to make faster decisions

by essentially reducing the number of complex tasks that may be involved in committing the offence to judgements based on previous experience or how well the offender can visualise a situation. This is experienced and described by the offender as being 'skilled' or 'specialised' within their chosen field. In short, expert offenders can be said to have developed a range of judgement heuristics which enable them to make quick, and situation based decisions to 'satisfice' (Johnson and Payne, 1986) their needs.

Section 6.5: Bounded rationality

Understanding these 'thinking shortcuts' is essential to understanding how an individual would arrive at a decision to offend. Referring back for a moment to the concept of bounded rationality we are reminded that the definition of bounded rationality is recalled as meaning a decision taken under imperfect conditions: The decision maker is limited by available knowledge or time. Relating this to the concept of expertise, it would appear that the skills and knowledge possessed by the offending 'experts' interviewed here, (that is, the judgement heuristics that are employed), serve to 'unbind' to some extent the decision they make about the offending event. If 'expert' offenders can use their skills to make faster decisions (using experience as a substitute for planning) then they should be able to make more efficient and effective decisions even when bounded by time. Equally, an offender may not be in possession of all of the relevant facts about a situation, therefore will be 'knowledge bounded', but again previous experience can help them make an educated appraisal of what these facts are likely to be, thus again increasing the efficiency of the decision under difficult circumstances.

Jacobs, Topalli and Wright, (2003) describe a process they call 'perceptual shorthand' which occurs when an offender quickly surveys their environment and their

situation and uses their previous experience to integrate these quickly into a decision, thus taking advantage of opportunities where possible. Walsh (1986) describes a process whereby offenders make a 'good enough' decision, to satisfy themselves that the essential criteria have been considered, saving time by not taking account of all the relevant factors. These essential criteria will vary by individual, so the extent to which the decision is rational for that offender will depend on that individual offender's values. In making a decision that hits the target of meeting the 'essential criteria', this decision is 'time efficient'; and becomes what Walsh terms a 'time adequate decision'. This concept is described differently by Johnson and Payne (1986) who see many offending decisions as 'satisficing' rather than reflecting a truly weighed up rational decision. A decision will 'satisfice' the offender if the chosen outcome passes a set of criteria, and practiced offenders will be more skilled at making this type of decision, being able to use their previous experience to correctly set the right range of criteria for themselves.

The contribution of the research into offender expertise lends another facet to the examination of the existence of a rational decision amongst an offending sample. If a decision is to be described as a weighing up of costs and benefits, it is clear that the way in which this is done can vary between individuals, and over time, as experiences change. Observing the rational decision to participate in crime from a new, or novice offender, the decision may display very different elements from an examination of an offending decision made by an experienced or 'expert' offender. Returning to the individuals within the present study sample, many of these individuals could be said to be 'expert' simply based on the length, and in some cases, variety of their offending careers. Looking at the decisions within this offending group therefore may reveal very different patterns from an examination of those to be found in a relatively 'new' group of offenders.

Thus far, the examination of acquisitive offences has revealed a substantial range of support for the idea that some sort of decision calculus is made before an offence is committed in at least a 'minimally rational' way (Feeney, 1986). The evidence suggests that these decisions are often made quickly, in stressful circumstances and to attempt to achieve many goals, including (and often most importantly) non-monetary goals. These factors together may begin to suggest that the classic Rational Choice Theory can not explain these decisions, but thus far it appears that the features of a 'thicker' model may allow for application of a Rational Choice framework that fits with the data.

The fit of a Rational Choice Approach with the acquisitive range of approaches looks promising, and will be discussed further and in greater detail later in this chapter, but prior to that a consideration must be made of the other category of offence found within this collection of experiences – the violent or affective type offence.

Section 6.6: Violent offending, choices and circumstances.

Unlike the acquisitive offences, the narrative relating to individuals' experiences of committing violent or emotive offences does not appear to display the same extent of evidence to support planning and decision making, and overall the picture painted by these individuals' narratives is chaotic and unordered, as opposed to the logical, reasoned process described earlier. It would be a reasonable assumption, given that none of the phrases or descriptions used to identify decision making in the first group, were present in this group, that individuals committing these violent/emotive offences did not engage in a decision making process, and instead acted without thinking, showing impulsivity and poor problem solving. However, closer examination of the narrative reveals a lot about the individuals'

experiences around these violent, aggressive crimes. Individuals describe scenarios where they feel

“It is me or them, so I go in first.” code34M

The feeling that the offence was triggered by an outside event is a common element in offender narrative. As well as the individual quoted above, other offenders describe how if people make them feel bad, they must beat them to feel better, and how others arouse their anger which causes them to lose control.

The theme of ‘losing’ is recurrent in these offenders’ narratives. From losing their temper, to losing their mind, or quite simply losing control, the theme remains that they have experienced something being ‘taken away’ from them, which results in them behaving in a violent or aggressive manner. The other commonality in this is the agency responsible for ‘taking’ whatever it is that was controlling the individual, this is always attributed to an outside factor – either someone else’s behaviour, or in some cases, the influence of alcohol or drugs or strong feeling. This raises interesting contrasts with the narrative of the acquisitive offender, the content of which in general focuses on gaining something rather than losing it. In addition, whereas the acquisitive offender manipulates circumstances to achieve the best outcome, the violent/emotive offender feels that they are being manipulated by the circumstances. This does of course relate to the concept of locus of control, and it would be a useful development of this research to review the relevant literature and apply it back to this narrative to see how these two groups of offenders differ on this measure. The acquisitive offenders could be described as feeling in control of their actions and circumstances; the violent/emotive offenders however, feel at the mercy of their circumstances and of anger/feelings/alcohol etc. For the individual about to commit a violent or affective offence,

the experience of simply “Going along with things” (code03F) makes them feel powerless to stop an event taking place.

However, though these offenders quite often do not see themselves as deliberately planning an offence, or engaging in a logical sequence of events, many do describe finding themselves in an increasingly risky set of circumstances in which their available options are reduced to the point that they feel no other action (than offending) is available to them. Many of the violent/emotive offenders, when describing what happened to them before the offence took place, describe a series of choices that they made which led them to be in an unfavourable environment. This is often observable to the individual when they look back on their offence. In one example described earlier, a woman committed an assault after going to make a telephone call. She explained how the sequence of choices that she made, following an acquaintance instead of going straight to the phone, and accepting drugs, resulted in her experiencing such an overwhelming sense of anxiety and desperation that her ‘snap decision’ was extremely poor.

A similar story was described by a man convicted of a Section 18 wounding on two men he found in bed with his partner. He describes himself as feeling anxious about his relationship, as he and his partner had not been getting on, so much so he was staying with a friend. He had been drinking with his friend when he received a phone call from his partner asking him to come round. He decided to do so, despite his judgment that he should not, as he was drunk, and angry with his partner. After he arrived at his home, he was confronted by his partner’s children who appeared scared, and asked him not to go upstairs. His first instinct was to take the children away and calm them down, but instead went upstairs to find his partner in bed with two men, upon which he ‘lost it’ and hurt both men and his partner. Again, looking back at the offence, this man describes how he made the string of choices that he felt had led him to behave in such a way. He sees that the choices of accepting the

invitation even though feeling drunk and angry, of ignoring the childrens' pleas and going upstairs led him to a situation where he felt he had no further choice but to act as he did.

While it would not be true to assert that these choices were directly responsible for the offence taking place (as he could have still not committed the assault) the offender describes a situation in which his previous choices narrowed the field of options available to him when he did come to be in the situation where he made that offending decision. The individual described did not perceive that any other action was an option to him on entering the bedroom, whereas another individual may have simply asked them to leave, or left himself. This perception of 'final choice' is of course individual, and once again raises the question of how 'offending' as a means by which to deal with meeting need, or dealing with a situation, becomes part of the range of options for an offender. This is a query relevant to the use of offending in any situation, both acquisitive, and affective, and returns to the question of how an individual becomes involved in crime, rather than the criminal event.

Returning for a moment to that criminal event, it appears that despite the lack of explicit evidence for an offending decision in the narrative of the violent/emotive offender group, there is some awareness for the offender of options being taken at various stages before the offence occurs, that the individual knows may lead to a set of circumstances in which eventual options are limited. In the same way as following these choices may limit the final options available to the offender, the set of circumstances in which they eventually find themselves may also enhance the 'boundedness' of any decision that is subsequently made. An individual finding him- or herself in an emotionally charged, time limited and pressured situation is never as likely to make a well considered decision about a course of action as someone with more time and less pressure. The question is raised therefore, of whether these 'choices' to enter these subsequent sets of circumstances are actually 'rational decisions' in the manner described by the Rational Choice model, and therefore can be similarly subjected

to the same analysis. Just as within the acquisitive category of offences it would appear that there is once again no evidence to support the calculated and normative approach held by Classic Rational Choice Theory, but is there potential for these results to be understood within the remit of the thick Rational Choice approaches?

It was stated earlier that one of the main developments in Rational Choice Theory is the acknowledgement that the outcomes an offender feels able to decide between will limit the decisions he or she can take in that moment. This certainly seems to be the case here, though this does not satisfactorily explain why an offender may repeatedly make choices that limit these options. In addition, although modern Rational Choice theorists may acknowledge the reduced options available to an individual in a decision making scenario, there is still the requirement for a decision to be made to fulfil the central premise of the model. However, the individuals within the present interview cohort (of violent offenders) do not indicate their experiences of making a decision within these circumstances, instead describing events as spontaneous or unexpected.

However, previous research has suggested ways in which a seemingly irrational violent event can have rational underpinnings in the moments leading to the event, showing strong parallels with the experiences reported in this study. For example, Wilkinson (2002) in her study of decision making during violent events, suggests that though the violent incidents themselves may appear irrational, and expressive in nature, they can in some cases be understood to have a rational sequence of events leading up to them. Based on interviews with 125 violent offenders, Wilkinson analysed the content of the interview narrative for reference to reasoning and motivation, finding that in many cases, the violent events were almost played out as public performances, for which circumstances were arranged in advance (such as location, other people etc). In this way, Wilkinson suggested that these violent events can be understood to have a series of rational thoughts taking place in the lead up to

the offence, in much the same way as some of the individuals in this study describe a sequence of choices or events taking place prior to their offending. To follow this idea further, it would be useful to use this approach with offenders, and in fact ask them about their motivations for each of these 'choices'.

It seems from the narrative presented here, that offenders were entering these circumstances, despite in several cases feeling that it was a bad idea to do so. An understanding of what compelled them to continue with these choices may be enlightening. Tedeschi and Felson (1994) support this view, suggesting that when the sequence of events leading up to a violent or aggressive offence is examined, then almost all of these events can be viewed as instrumental.

The division of violent and aggressive offences into two categories, the 'cold' instrumental and the 'hot' hostile type of violent behaviour has been an established model for understanding different types of aggression (Bushman and Anderson, 2001). Psychologists have traditionally viewed instrumental aggression as being deliberately undertaken to achieve a goal, whereas hostile aggression is emotionally driven, and committed in hurt or anger, and on impulse. Clearly, the concept of instrumental aggression could fit into a decision making model – the goal of the offence, whether that be intimidation, or even money, could be achieved by subjecting a victim or victims to violence. Street robbery and armed robbery are examples from individuals within this study, with one armed robber suggesting that violence is what happens when

“Someone jumps out of a car to stop us robbing a security van and then ended up getting hurt – baseball batted or whatever we used.” code 29M

In this case, the violence used within the execution of the offence was intended to prevent the armed robbery being stopped by a member of the public, but the goal of the

offence was in fact money. By contrast, other individuals within this study describe situations where they felt angry, hurt, frustrated or any strong feeling, and acted 'without thinking' by reacting to a situation violently. These offences would usually be seen as hostile or affective and resulting from poor anger management. However, this dichotomy between the types of violence has been challenged. Bushman and Anderson (2001) argue that the differences between the two types of violence were seen as being basic differences between the primary goal of the behaviour, the presence of anger, and the amount of planning or preparation that takes place. Instrumental aggression or violence has been seen as having a primary goal other than simply seeking to hurt someone, whereas affective aggression has no additional goal, and is conceptualized as reducing an affective state for the aggressor.

An example of instrumental aggression is given in the armed robbery scenario above, to obtain money and get away with the robbery without interference. Hostile or affective aggression is seen as impulsive and borne of an emotional state whilst in comparison, instrumental aggression can be planned, and calculating. However, on examining violent or aggressive events, the distinction between these two approaches is not always clear. Consider the individual interviewed within this study, who committed a violent assault by pushing somebody off a high sea wall causing severe injury to the victim. Within the offender's account of this taking place, he describes himself as vague about events; he had been drinking and was not sure what had happened. At first reading, this account may suggest a hostile violent act, as it appears impulsive and perhaps exacerbated by the use of alcohol. However, only by later examining different parts of the narrative (and later confirmed by official data) does it become clear that the victim of the assault had in fact evicted the offender from his flat some weeks before.

This information would clearly suggest that some anger was present for the offender, which fits within the 'hostile aggression' label, but conversely, does not fit within the

impulsive and immediate time frame usually associated with these offences. Another example that seems to fit well within the 'hostile' category of aggression is given by the armed robber discussed above, who while in prison, has several times been caught violently attacking another prisoner. He says that these attacks are as a result of his 'bad temper' but then adds that he prefers to be in prison than outside in the community, and these assaults extend his stay. Both of these examples may appear to observers as incidents of hostile, temper loss aggression, but on further examination, there may be queries about the main motivation for the offence, or the length of time it took to move from anger to hurting the victim.

The motivation behind aggressive behaviour is not always easy to understand, but previous research has suggested that individuals will act violently or aggressively for many reasons. Brezina (2002) suggests that this sort of behaviour can be beneficial for offenders (in Brezina's case, youths) as it can raise self esteem, and give the offender a sense of control and influence over others that they may be lacking from elsewhere. Brezina also suggests that individuals may employ 'functional aggression' in seemingly random ways, acting crazy or unstable simply to protect themselves, and build a reputation as someone who "Don't take any shit" (FG1M) for the purposes of self protection. The confusion between the seemingly rationally based instrumental violence and the hostile aggression type offences is deepened when looking at examples where both rational and non rational elements seem to be at play, even while the offence event is taking place. An excellent example of this from within the interview narrative of this study is the man who described leaving a pub to find his female partner kissing another man. He describes himself as "seeing red" and "going for her" yet even as this is happening, reports a clear thought – he attacked his partner not the man she was with because "he was bigger than me".

It would appear, as Bushman and Anderson propose, that just as other offences can be motivated by different things (a shoplifter may be equally be reinforced by money or the

thrill of the offence) then a violent offence may have mixed motives, and the key to understanding these offences is to understand what makes the individual feel that this behaviour is efficacious in any situation. Even where examples are given within the narrative of an offender committing a violent offence due to hurt or high feeling, there are clues in the narrative as to why this behaviour helps. Several references are made within the narrative to the individual feeling bad, or hurt, and relieving that hurt by committing an offence. One man commits an assault because he believes someone was trying to sexually assault him and in his words, 'made him feel horrible' and it was this horrible feeling the offender wanted to be rid of. Other examples are similar, with phrases such as 'they make you feel bad' and that hitting the victim makes the bad feelings go away.

It is feasible then, that with relief of 'bad feeling' as a motivator then a violent or emotional outburst can be seen if not as rational, then certainly as more explicable. If it is possible to begin to understand a violent offence in terms of a (bounded) decision making calculus, then it may be possible to employ a version of the Rational Choice model to enhance this understanding. However, if one Rational Choice approach could be said to encompass the motivation for violent offending, with another Rational Choice model for acquisitive offending, how would such a model cope with scenarios where the motivations between offence types are blurred, or completely contrary to expectations?

Section 6.7: Mixed rationalities

Just as the differences between instrumentally aggressive offences and hostile type aggressive offences are blurred, it appears that there are blurred boundaries also between the motivations between the violent/emotive outcome offences and the acquisitive outcome offences, and in the processes an individual goes through to arrive at their goal. Up to this

point, the categories of 'acquisitive offences' and 'violent offences' have been used to describe a split between offence types that appear (to an observer) to have different outcomes for the offender, and for the most part, these categories have also reflected a split in terms of the extent of evidence for the existence of a decision making process. The offender narrative was split into two, based on the prevalence of 'rational statements' present within the narrative of each offending type. In general, on first analysis, the acquisitive outcome type offences appeared to conform to a Rational Choice model with offending individuals able to vocalise their planning and thought processes, and also the benefits they hoped to gain. In contrast, the violent outcome offences described tended to portray a picture of unplanned, impulsive offences which displayed few, or no rational elements. However, on closer examination, the differences in terms of the existence of rational processes do appear to be less clear cut, and it is becoming apparent that similar motivations or drivers can exist within offences within each category, and that rational and non rational elements may be present even within and during the same offending event.

If the motivation for the offender can be different even within the same offence type (such as someone who shoplifts for monetary gain and someone who shoplifts for emotional reasons) then the process by which an individual decides, or does not decide, to commit an offence must also vary. From the evidence described here and in the previous chapters, it is becoming difficult to clearly demarcate the boundaries between the apparently 'rational' offences and the 'non rational', or even whether those labels are any longer appropriate. It is clear, that some offences take place after a certain amount of planning, thinking through, and weighing up of possible outcomes. It is also true that many of the offences described by the cohort seem impulsive, ill thought out, and confused. On further examination, some of those offences that seem confused based on their outcome can be found to have a clear goal or aim for the offender, and a reasoned (at least minimally) process, such as committing an assault to

remain in prison, and others are clearly helping the offender relieve, or avoid, a negative consequence and may not demonstrate the same level of reasoning (despite in some cases, the outcome appearing to be 'rational', i.e. monetary gain). The sequence of choices leading up to a violent offence, as described above by Brezina (2002) and Tedeschi and Felson (1992) as instrumental further muddies the waters between the rational and the non rational. It is clear that though the outcome of an offence may suggest a rational process (such as acquisitive gain) that this does not necessarily mean that the motivations for this action can be assumed to be rational, or that the process an individual goes through to arrive at the outcome was rational.

Just as it seems impossible to split offences into rational and non rational typologies based on the observed outcome, or type of the offence (shoplifting, burglary, assault etc) it also seems that it may be difficult to split individuals into rational and non rational type offenders. Looking at the histories of the participants within this study, most of them admitted having a mixture of acquisitive outcome and violent outcome offences in the past. This capacity to become involved in both types of offences was brought up by the offender focus group, who concluded that

“Most people done both, (violent and acquisitive offences) – their experiences are different.” FG4M

In clarifying what the group meant by this, another offender went on to describe how different offence types can feel and be experienced differently, but that this difference cannot be assumed. He contrasts himself, a mainly violent offender, with a fellow group member who deals drugs, and suggests that on face value it could be assumed that the drug dealer 'thinks' and the violent offender 'doesn't'. However, he goes on to say that even with this apparent difference, the assumption that this state of rationality remains the same for each of

these individuals cannot be made. If the presence of rationality is found to vary between offence type, as well as within offence type, while marking differences between the experiences of individuals, but also within individuals, what implications does this have for the Rational Choice model of offender decision making? Just as above it was suggested that varying models of Rational Choice Theory could perhaps explain the different decision calculi that take place in acquisitive outcome, or violent outcome offending experiences, Cornish and Clarke also recognise that a differentiation of approach may be needed.

Cornish and Clarke (1986) suggested that to effectively explain the different decisions that are made about different offence types, a 'crime specific theory', based on the Rational Choice model, would be necessary in order to further understanding of why individuals engage in these different types of crime. This idea was in part a response to the findings of various different studies that suggested that different benefits were associated with different crimes. In addition to this, a body of work such as that by Tibbetts (1997) had described how different sanctions (or costs) discouraged different crimes, and therefore a 'crime specific' theory would be based on the understanding of the benefit and costs specifically associated with that offence type.

However, based on the findings from this study, it is argued that a crime specific theory would be inappropriate given the range of reasons different individuals may become involved in what looks like a similar offence, and the different reasoning processes that may or may not be present before an offence. A theory that was crime specific to shoplifting may include a range of benefits, money, goods, the thrill of getting away with it, and while this may apply to many individuals who shoplift, it would not (as demonstrated here) apply to all. Crucially, and from the evidence reviewed here, this crime specific theory may not even consistently apply to one individual for the same offence type over time. How then is it possible to gain an understanding of how offenders make decisions about their crimes, in

such a way that helps us work with these individuals to explore alternatives and change behaviour? A beginning to this process is to look at elements from within the evidence of this research, and from previous studies, that influence how an individual thinks, feels and interacts with their circumstances and subsequently affect their behaviour – perhaps resulting in an offence. Is it possible to conceive of a Rational Choice model that can be flexible enough to explain various offence types for various individuals without the decision calculus element of the model becoming so diluted that it can no longer be conceived of as a decision making theory? These issues will be explored further in Chapter 7, after a review of another pertinent issue emerging from the analysis – the use of alcohol and drugs.

Section 6.8: Alcohol, drugs, and individual differences

In reading the evidence from those offenders interviewed within this study, and those individuals participating in the offender focus group, it is impossible to ignore the fact that so many of the offenders make reference to using drugs or alcohol in relation to their offending. If an individual's actions, decisions, and feelings are to be understood, then this relationship between substance use and offending is clearly important. It is a known fact that alcohol in particular is a common factor in offending within the UK (Home Office Statistical Report 2009), and its influence is no less felt within the group of individuals interviewed here. Alcohol affects decisions in many ways. Offenders interviewed within this study talk about how it alters the way they think, its effect on their ability to judge a situation, and what their expectations are. A primary consideration in itself is the fact that a number of offenders within this study admit that most, or all of their offences have been committed while under the influence of alcohol.

Despite this prevalence of drug and alcohol use in offending, and the inevitable impact these substances must have on decision making, Rational Choice theorists have largely ignored the effects of psychopharmacological agents on the decision making process (Exum, 2002). In fact, it has been suggested that as alcohol and drugs have such an impact on decision making, the Rational Choice Theory could not apply to actions undertaken while an individual is under the influence of such a substance, as this would mean the individual had no capacity for a rational decision (Dudley, 2005). It is of course true that alcohol or drugs will impact the decision process. Research has shown that alcohol, and other drugs, impair the higher order cognitive functioning of an individual (Chermack and Giancola, 1997) and this effect does seem to have been in evidence for some of the offenders interviewed here.

Within this study, a particular link was made by these individuals between drinking and losing their temper, causing aggressive behaviour and in some cases, violence. Similar experiences were also described by the offender focus group, where several of the participants blame alcohol for their anger and offending. One woman describes how different logic applies when she is drunk than sober, causing her to expect people to act in different ways. When she sobers up, she can see that her expectations are unreasonable.

The assertion that alcohol prevents you reading situations correctly is made by one interviewee, a viewpoint that is supported by the work of Chermack and Giancola (1997) whose work into alcohol and aggressive offending suggests that alcohol diminishes the drinker's capacity to pay attention to situational cues, while at the same time, the alcohol tends to minimise in the mind of the drinker the potential outcomes of any action. Research into the effects of alcohol has also suggested that it increases the actor's focus on provocative cues, while diminishing focus on non-provocative cues (Assaad and Exum, 2002) and that use of alcohol can increase an individual's capacity for risk taking behaviour (Hurst et al., 1972). This combination of factors creates a situation where aggressive behaviour is more

likely. Assaad and Exum's (2002) examination of literature on alcohol draws them to the conclusion that using alcohol does not mean an individual is not making a decision about their behaviour, but that decision is affected by the alcohol in terms of its impact on cognitive functioning, in many cases leading the individual to believe that aggression is a rational response to a situation they perceive as a threat. If an offender finds themselves in a situation where they feel under threat, they are likely to experience emotional arousal in the form of fear, which in itself has been found to inhibit cognitive functioning (Royce and Diamond, 1980), and this coupled with the additional effects of drugs or alcohol could combine to significantly alter the decision making calculus and may make a violent or aggressive response (and offence) more likely (Zeichner and Pihl, 1979).

How the use of psychopharmacological substances impacts on the applicability of Rational Choice Theory to offender decision making is an under researched field (Exum, 2002) with many theorists such as Dudley (2005) simply dismissing the possibility of Rational Choice Theory as applying to those under the influence of drugs or alcohol. However, some research has taken place that suggests that although it is clear that alcohol and drugs do alter the decision making process, that these alterations could still be understood within a Rational Choice framework. Studies on alcohol and decision making by Exum (2002) suggest that intoxicated individuals are still capable of perceiving the costs and benefits of an action, but that they assign these costs and benefits different weightings. Just as discussed previously, different individuals make different probability estimates for potential outcomes, and also place different values on them occurring. Therefore, an intoxicated offender may still be capable of processing these options – a key element of a rational decision, but the risk/reward assessment may be altered by the alcohol they have taken.

Use of drugs or alcohol may also affect decision making by shortening the decision making process. Jaffe (1980) found that smoking marijuana caused a deterioration in an

individual's ability to carry out multiple mental steps, foreshortening the decision making process. This may lead an offender's decision to appear more impulsive, or that they have made a 'snap decision' such as was reported in the experiences of many of the offenders within this study. If the decision making process is shortened, then the mental steps, or cues, that the offender attends to will be confined to those that appear more salient at the time, that is, the most provocative cues will be attended to (Assaad and Exum, 2002). If an individual is in a pressured situation such as many of the offender experiences reported here, the limited focus on provocative cues could make aggression and even more likely response.

This combination and interaction of the situational and personal/psychological factors in decision making is a theme that has been recurring throughout examination of the evidence collected within this study, and will be discussed further in the subsequent chapter. However, there are particular considerations of this interaction of factors when considering the effects of alcohol and drugs on decision making. Research has shown that although alcohol (and some drugs) can facilitate aggression potentially leading to offending by increasing risk taking behaviours and causing dismissal of cues, the use of alcohol does not necessarily lead to aggression, or offending. For example, Taylor et al (1973) showed that while alcohol was found to facilitate aggression when an individual felt that they were under pressure or threat, this did not apply when the individual was in non-pressured circumstances.

If both circumstantial factors and psychological (and psychopharmacological) factors combine and interact to increase the likelihood of an aggressive response and subsequent offending, it is therefore important once again to gain an understanding of how these factors affect the decision making process. Another way in which this interaction can be seen to take place is in the narrative of offenders who describe deliberately using substances to increase their likelihood of success at offending. Several offenders within this study describe using substances to alter their psychological state in order to interact better with their environment.

Different individuals report using alcohol or drugs to enable them to commit an offence more effectively. Several drug users interviewed within this study described how they kept a small amount of drug back for the next morning, to take before they went out to commit an offence, in most cases so they felt 'normal' or relaxed enough not to make errors. Similar ideas were brought up around alcohol, one example being the man in the offender focus group who described drinking alcohol to give him confidence when going to an area of Liverpool where he knew there was likely to be a fight.

Cromwell et al. (1991a&b) described a similar finding in relation to burglars, who used drugs before offending to act as a relaxant, and again, help prevent them making mistakes due to anxiety, as did Bennett and Wright (1984a). As stated earlier, research has shown that emotional arousal, such as fear experienced by a potential burglar, can lead to a reduction in cognitive function, leading an offender to neglect particular clues and make poor decisions (Royce and Diamond, 1980). This has been described as a 'funnelling of awareness' (Zajonc, 1980). This funnelling could lead to a burglar for example missing cues that suggest the investigation of a neighbour, passers-by or the return of the homeowner (Cromwell et al., 1991b). Whereas the combination of emotional arousal and alcohol/drugs was described above as a possible facilitator of aggression, these offenders used specific amounts of their chosen substance in order to give them confidence, relax nerves, and enable them to be alert to necessary cues in order to commit a successful offence. In varying narratives within this study, individuals cite using alcohol to either make them confident and ready for a fight (as described above) or relaxed and calm.

Maisto, Galizio and Connors (2010) suggest that alcohol has certain expectations linked to it as regards how it will make you feel, and that these are learned from watching those around you who drink. If an individual observes others drinking, and behaving aggressively then this expectation may influence the individual's behaviour when she or he

drinks. This idea links in with Social Learning Theory, one of the theories of criminal involvement (rather than the criminal event) and would be a pertinent addition to the question of how offending, as an option for behaviour in any decision process, comes to be favoured.

To look at alcohol and drug use in terms of the ideas beginning to develop within this chapter, they can be seen both as a means of achieving a goal, (such as relaxing before a burglary), and of moving away from a hurtful emotion (such as drinking to numb painful feelings). Of course, obtaining drugs is a goal for many offenders, and drives a lot of the shoplifting and burglary activity described in the offender narrative within this study. It also seems however, that the use of either substance can be tied up with trying to escape from an aversive situation. In some cases, such as the woman who drank to excess and was found sitting in the middle of a dual carriageway, the offence committed (assault of a Police Officer) was almost secondary. When the Police Officer tried to move her to safety she became violent. She had no desire to attack an officer, but in her altered state, she thought his behaviour unreasonable and wanted to be left alone. The part that substance use plays in an offending decision is an essential element when attempting to understand an individual's offending.

Various theorists have suggested that a decision making theory such as Rational Choice Theory is not useful or valid when applied to offending decision in which the individual was under the influence of a psychopharmacological substance. Exum (2002) found in her studies on how alcohol affects aggression that the integrity of the Rational Choice Model was compromised when the decision maker was intoxicated, and Cromwell et al. (1991a) agree that as it stands, Rational Choice Theory cannot explain the variances they found in drug using burglars, without additional elements being introduced to the theory to account for the effects of the drugs. It is not clear for example why for some offenders, alcohol or drugs and emotional arousal work together to increase aggression and offending,

whereas for others, the use of substances can directly affect, in a positive way, the commission of a successful offence. Without some way to account for these variations, a decision making theory could not be said to apply. Zajonc (1980) agrees, suggesting that without a combination of cognitive and affective elements, a decision making model could not explain why different elements combine for different individuals and result in offending.

In attempting to understand the decision making taking place before an offence where drugs or alcohol have been taken, and in an attempt to create or adapt such a model, it is important therefore to know first of all whether the drugs or alcohol were used to facilitate the offence, or were the goal of the offence. The reasons that the individual used the substance to excess will be just as pertinent in this case as the way the alcohol or drug alters decision making. It is clear from this brief review that the use of psychopharmacological substances is an important issue for consideration in any application of decision making theory and offending, and at the core of these considerations must not only be the ways in which such substances can impair (or facilitate) decisions but also the motivations the individuals had for taking them in the first place. By understanding these motivations, a better understanding of the particular psychological state of the offender may be gained, which can feed into the analysis of any decision calculus that may take place.

Section 6.9: What does the data tell us about decision making and what does this mean for Rational Choice Theory?

Evidence from the narrative within this study does lend itself in part to support of a theory of decision making. However, review of the evidence suggests that focusing exclusively on the costs and benefits of a decision calculus, such as is the focus of 'thin' Rational Choice Theory, neglects to examine a lot of what is pertinent to the decision. Simply

attempting to look at factors within the offending decision and listing costs and benefits as perceived by the offender does not go far enough as to give a useful picture of the thought processes taking place. This could be accomplished, so long as the benefits and risks were defined by the individual, but the end result would be a dry exercise, removed from the personality, lifestyle, and circumstances of the individual making the decision. While Rational Choice Theory as a theory of the offending event is useful and allows examination of a discrete event, setting to one side all of the issues about how offending came to be a viable option for the individual, its focus on the event alone can seem somewhat artificial. This artificiality has been a criticism levelled at Rational Choice Theory in the past, with theorists such as Hirschi (1986) suggesting that the social isolation in which Rational Choice Theory operates removes decisions from their social context. Given that social outcomes such as peer approval, living a party lifestyle (Wright and Decker, 1994) and respect from others have been cited as benefits of offending, the removal of decision making from a social context seems inappropriate.

This removal from the social context means that the 'thin' Rational Choice Model suffers particularly when attempt is made to apply it to affective, violent or aggressive events. Although a decision to commit what is traditionally thought of as instrumental aggression, that is aggression to achieve a goal, may fit the model, those offences perceived as being hostile or emotion based can cause some problems for the model. At the same time the normative status of the classic Rational Choice model becomes problematic. The bounded rationality concept (Cornish and Clarke, 1986) introduced as a counter to this criticism goes some way to compensate for this, but even with the expected limitations of lack of knowledge or time, the decision making process seems over simplified, and removed from the real life experiences of many offenders. One criticism of this approach is focused on the assumption that formal sanctions are one of the factors that offenders do not know a lot about. It was

certainly found within this study that this was not the case: in many cases individuals displayed a thorough knowledge of the Criminal Justice system, but simply did not think about it in the context of the decision making. Many expressed the view that these potential outcomes simply were not important to them.

When examining the contribution of the costs and benefits to a decision under the Rational Choice model, a key element seems to be the estimates given by individuals of the probability of different outcomes, in this case that formal sanctions are relatively unlikely, and satisfying needs is relatively likely. Also relevant to the way costs and benefits affect a decision is the value the offender places on each outcome. As described by many individuals in their narratives, the possibility of arrest and sentencing in court was not important to them; many had experienced it before, and knew they could get through it again. For several offenders, formal sanctions were seen as one of the drawbacks of the job, and were viewed as an inconvenience rather than a serious deterrent, some of them even deliberately seeking a prison sentence for a 'break' from everyday life.

The choice to offend

Rational Choice Theory states that each offence is as a result of a decision, in which an individual weighs up the costs and benefits of each action to achieve the best outcome. This approach focuses exclusively on the criminal event, that is how the offence itself comes to take place, but wider questions are raised about how the option of committing an offence comes to be part of a range of outcomes for an individual in the first place. This relates to criminal involvement, that is how an individual comes to be involved in crime as a way of life, or as an option of behaviour, rather than focusing on one offence. Numerous theories of criminal involvement are available to attempt to explain this, a review of which would be far greater than any space within this chapter would allow. Instead, this section will focus on

evidence from within the narrative and focus groups that suggests how these individuals became 'offenders' and how they understand that process to have happened.

The individual's beliefs about offending are an essential part of any decision making process, and for many offenders interviewed here, they describe their understanding of offending as a normal way of life, and a type of behaviour they saw all around them. For one armed robber, life as a child taught him that everyone in his neighbourhood survived by committing crime, and that it was only the very few who actually got jobs. For others, they were introduced to shoplifting as an early age when they needed food or other items not provided by their parents. For some, their parents provided the drugs that later that paved the way for a life of offending. The individual in this way may absorb these patterns of behaviour as 'norms' and these norms then provide a blueprint from which an individual will make sense of his or her decisions in later life. For the armed robber described here, it would appear that the norms of his own 'subculture' of a deprived area of Liverpool in the 1960s and 1970s have affected his behaviour right through his life. Sub cultural theory suggests exactly this – that an individual may adopt the norms of an alternative group, a community, family or group of peers, and live by these norms while rejecting those of wider society (Cohen, 1955).

Beliefs about offending are more complex than labelling offending as right or wrong. Even within an offending cohort, different individuals describe their reluctance to commit different types of offences. One woman, a successful shoplifter, describes how she would never commit street robbery as that was too 'personal'. Several individuals expressed shoplifting as their choice because they believed it was a victimless crime, and that nobody would be hurt. Conversely, others were happy to commit burglary, or street robbery, but not shoplifting believing it to be too 'scary', or in more than one case, too 'trivial'. The implication that shoplifting was a woman's crime was made on more than one occasion.

When individuals make an offending decision, they are not just choosing to commit ‘an offence’, but instead as referenced in the results in Chapter Three, may choose what type of offence to commit (such as a street robbery, rather than shoplifting as in one example). In that way, the decision is similar to what a person chooses to have for dinner, or where to go on holiday – a choice between several options. However, the difference here is that the offender is choosing to do something that is against the law. It is that aspect that sets this decision making apart. It is not to say that the option of stealing from a shop is not there for everyone to consider when they are thinking about making a purchase, but for a lot of people this is never considered as a realistic option. What is it about a person that makes their chosen offence viable, and acceptable?

One of the ways in which individuals appear to minimise the significance of the offending event is by utilising cognitive distortions. One example, given above, is the claiming of shoplifting as a victimless crime, with the assumption or belief being that if nobody is hurt, then it is not such a bad thing to do. Corbett and Simon (1992) found this also with their study of driving offenders, describing how these individuals perceived driving offences as not being the same as ‘real’ offences, thus justifying to themselves that the behaviour was not as bad. Other methods for reducing resistance to offending include blaming others for the action, implying circumstances allowed no other choice, or the individual claiming they had no control over the situation. For many individuals though, the belief that they had no other choice seems to be genuinely held, rather than being used as a justification. Whether or not it was the case, if an individual believes that an offence is the last resort and no other options are available, then that is highly likely to push them into that offence. The locus of control of the individuals in this study was touched on earlier in this chapter in relation to the different ownership of the offending process by (some) acquisitive and (some) violent offenders. The locus of control of individuals becomes relevant again

when discussing how offenders believe, or justify how, their involvement in offending came about. Where an individual perceives circumstances as coming together to cause them to act in a particular way, they may claim they had no control over the situation, or over themselves, and reacted instinctively to what was going on around them. There is not enough evidence in this study, nor would it be appropriate given its remit, to make any further assertions regarding locus of control and its relationship to offender decision making. However, it certainly appears to be an intriguing avenue for further study.

With the variety of offending experiences in mind, what can be done to develop a theory of decision making that would apply to any event, and any individual who commits an offence? The concept of a chain or string of choices leading up to an event as described within this study, and discussed by Brezina (2002) and Assaad and Exum (2002) is one way in which the wider context of an offence could be understood. While this is a promising avenue for exploration of how an individual arrives at a point where an offence is committed, the application of Rational Choice Theory to these choices may not be helpful. By its definition, Rational Choice Theory would apply a discrete decision making process to each of these leading choices, which may appear logical, but by breaking down a sequence of events into smaller and smaller component parts any explanations offered by the model could become over generalised and not useful.

Given the differences apparent in offender motivation, consideration of costs and benefits and evidence of decision making both between and within offence types, how can a model such as Rational Choice Theory remain valid, with application to all offending events? The following chapter will examine further how the features of the offending process, and the elements of decision making displayed here, may or may not be accommodated within a modern Rational Choice Theory, and what implications this may have for future research and theoretical development.

Chapter 7: Conclusions

Section 7.1 – The Offending Process

As presented in the previous Chapter, it would appear that though offenders do report some commonality of experiences, there is a wide variety of experiences between offence types and individuals. As well as between type differences (e.g. shoplifting and assault offences) there is also evidence of within type variants (e.g. two individuals may shoplift for very different reasons). Given this differentiation of experiences, how can a theory of decision making begin to make sense of the wide range of processes that appear to take place?

Though the family of ‘thick’ Rational Choice approaches do appear to fit the data to a greater extent than (and are clearly an improvement on) ‘thin’ or classic Rational Choice Theory, there are still some pertinent findings within this study that would need to be explicitly recognised by a decision making model in order to explain the evidence gathered here fully. Modern Rational Choice Theory recognises that an individual’s behaviour can only be understood if his or her motivation and reasons are understood. This approach recognises that individuals may be motivated by non monetary or financial outcomes, and that these motivations will be affected by the individual’s unique value hierarchy (Hechter and Kanazawa, 1997). However, despite this recognition of non-monetary motivations, the main Rational Choice assumption is that an individual will seek to gain something, to maximise utility, of whatever they most desire or value. Yet in many examples given here individuals are not seeking to achieve a maximum of any outcome, rather they appear to be seeking to minimise some other aspect in their situation. A burglar may plan an offence well

in order to choose the target with the most profit for the least effort. An individual caught in a difficult situation and experiencing strong feelings may, in the absence of any other coping mechanism, seek to reduce or minimise these feelings by translating affective energy into physical action, thus committing an offence. While it is valid to say that the model of Rational Choice could be turned on its head, and instead the individual could analyse the best ways of achieving less of what they wish to be rid of, once again the lack of social observation included in the model renders it slightly dry, and removed from the real life experiences of those people who have committed an offence. In particular, the idea of a measured decision process to 'minimise' pain or negative feelings does not adequately portray the urgency, and stress that many individuals report feeling in such situations. Despite this, the *actions* of an individual to achieve their goal, for example to minimise the effect of strong emotions, or other ill feelings (such as drug withdrawal) upon themselves could be viewed as rational. Every individual will seek equilibrium, and will act in such a way as to achieve it. In this case, rationality, as defined by a theory of rational decision making, could be defined not only as the balancing of perceived pluses and negatives and their relative importance, but to the taking of action to maximise the achievement of desired positive goals, or the taking of action to avoid or minimise specific negative outcomes or states. In this way, the individual could be seen to be seeking to either 'maximise utility' or 'minimise disruption' by attempting to relieve or avoid a negative state.

To know the goal of an offender (to maximise or to minimise) is not the same as assuming the rationality (or otherwise) of an offender, but it is a key component if the actions taken to achieve whatever the offender's goal may be can be understood. It is the *actions taken* that can then lend themselves to analysis, whether those actions were designed to result in a gain of money or drugs, or the way in which an individual makes choices to relieve or release their pain based on the possible outcomes that the individual perceives to be available.

It is important in any analysis of an offending action taken that whatever the motivation of the offender, it is understood, in order that the action they took to achieve their goal can be understood.

In defining these motivations, it is paramount once again to recognise that the positive goals or the negative outcomes or states within this process are those that are pertinent to the offender. It is easy to assume when observing a particular offence that the goals of this offence (and therefore the reasoning behind it) are overt, but as described above, there is considerable variation in what individuals hope to achieve (or avoid) by committing different offences, even within the same offence types in their offending career; It can be impossible for the observer to determine the outcome intended by the individual by what outcomes are observed by the onlooker. To further complicate this matter, not every decision or action instigated by an individual is successful – and the actual utility gained from the action will not always be equal to that expected by the individual (Brezina, 2002).

Section 7.2: Developing a model to fit the data

If a theory of decision making could begin to encompass the processes described above, it may become possible to form a model of offending decision making that may encompass all of these elements based on the themes arising from this data, and develop the model so as to place the offending decision within the personal and social context in which it is made. Placing decision making within a personal and social context is essential to the success of such a model if it is to have ‘real life’ applications. Traditionally within Rational Choice Theory this social element had been neglected, though modern Rational Choice Theory has begun to include some of the personal elements involved in decision making such as the recognition of internal value hierarchies. One development in this area is in the related model

of Routine Activity Theory, which expresses the view that crime will occur at the intersection of three key elements – a motivated offender, a suitable target and the absence of capable guardians (Palmer, 2003). Felson (1993) points out that the addition of situational factors to the Rational Choice approach marks a distinct development between the old ‘thin’ Rational Choice and the more modern Rational Choice related models, and allows further consideration of the factors that may affect a decision making process outside of the ‘economic’ viewpoint of the classical approach. Cornish (1993) suggests that as Rational Choice theory focuses on the criminal event, it can dovetail well with theories of offending that describe a dispositional involvement approach. Scott (2000) takes these links further by describing how social norms can be viewed as socialised preferences within individuals that affect their decision making, and therefore feed into the ‘Rational Choice’ to offend or otherwise. All of these applications and developments remain valid, but the argument could be brought that by adapting Rational Choice Theory to include so many new elements, the model itself becomes so watered down as to be lost, and is no longer a valid tool with which to understand a decision.

If the key assumptions could be made, that actions taken in seeking both pleasure or benefit enhancement, or the actions taken based on the motivation to be ‘pain-neutral’ are rational, then it may be possible to conceive of how a Rational Choice model could begin to encompass those acquisitive type offences that have been traditionally found to ‘fit’ better within the Rational Choice Approach, but also those affective or violent offences where Rational Choice Theory has not been seen to be useful. This suggestion is not a new one, and there is a body of previous work suggesting that violent offences, for example, can be understood as rational, a review of which can be found in earlier chapters of this document.

This ‘maximising utility/minimising disruption’ dichotomy can be understood as two separate goal regulation type processes, that is, put simply, the desire to attain a want or need

versus the desire to relieve or avoid an undesirable state or situation. Given that human decision making is complex, it is possible to conceive that an individual may engage in one or other of these processes at any point in time, and indeed, within-individual variations found within this study show this to be the case. It is also true that within-offence type variations exist suggesting that the motivations of the offender cannot be inferred from the outcome of their behaviour (i.e. the offence). Once again, the importance of placing emphasis on the personal and social factors in decision making comes to the fore. Understanding the particular needs, concerns, feelings and circumstances of the offender would be the best way to identify which goal regulation process an individual was engaged in and how an offence came to be the result of it.

A theme related to this need for understanding of individual motivations is the evidence suggesting that for many individuals their offence has been the outcome of a 'chain of choices' or decisions made in the preceding period of time, which have led to an individual being within a state or set of circumstances in which their options for action appear to them to be severely limited. These 'chains' are particularly prevalent within the experiences of individuals describing the period leading up to a 'minimisation disruption' type offence where the final action results from the offender perceiving that they have no other choice but to 'lash out', behave violently, or become aggressive in order to achieve 'pain neutrality'.

It is worth noting that although drug related offending is often perceived as being acquisitively motivated based on the offender's end result being the acquisition of drugs or money to purchase drugs, the experience of many drug users reported here would be better off as categorised within the 'minimisation disruption' or 'pain neutral' process. Many individuals with these offence types expressed the severe physical and psychological discomfort they felt when they had not taken their drug of choice, and wanting to obtain a substance to enable them to feel 'normal'. Of course, it would not be accurate to assume that

a drug related offender would not also seek to use more of a substance to feel pleasure, thus moving into the 'maximisation utility' set of motivations. (Though again, some individuals claimed this 'pleasure' came more from the ability to temporarily forget other negative circumstances or feelings that had existed before their drug use rather than any physical or psychological feelings of pleasure).

If a decision making approach, rooted in Rational Choice Theory, but capable of encompassing the themes emerging here could be developed, it would have considerable benefit to the study of offending behaviour. It would not only provide a heuristic tool for understanding how individuals make decisions to commit an offence, for a range of offence types, but could also begin to further close the gap between theories of the criminal event (such as within Rational Choice Theory) and theories of criminal involvement by describing the process by which an offence may become the best or only choice of action. This could be achieved by bringing together the elements affecting involvement with those affecting the decision(s) associated with an actual offending event by placing the decision in context. It would give researchers and staff working with offending individuals a tool to build up a picture of the decision structure as far back as the first offending incident, if desired, or as far back as just the period leading up to the last offence. The primary element of this model would be to identify which offending purpose was currently at play – whether the individual was aiming to achieve an outward goal (that is gaining something) or to minimise or avoid an inward state, that is, which was more important to the individual at the time, to maximise-utility or minimise-disruption. The traditional Rational Choice model of offender decision making sees the offender as evaluating a range of costs and benefits in order to achieve the highest utility for their sought outcome. Affecting this decision is their own particular perception of these costs and benefits, their knowledge and experience and the individual's

characteristics such as impulsivity that may skew the decision making in one way or the other.

Within this alternative model, a 'Decision Structure Model', the basic Rational Choice elements would be placed within the context of an individual's personal traits and previous knowledge and experiences, based on evidence reviewed previously to suggest that these elements are influential on decision making. Within the Rational Choice Model, the process of making a decision applies each time a decision is made, and would be followed anew each time an individual makes a decision on how best to achieve their goal. This decision making process would fit well with the descriptions given by many interviewees of committing an acquisitive type of offence, such as a theft, shoplifting, robbery or burglary, but does not fit as well with some of the affective or violent crimes described in the study. In comparison, the model proposed here, described as a 'Decision Structure' model, would suggest a decision making process that could appear in one of two ways depending on the primary motivating force at play within the individual – the desire to move towards a goal, or the desire to move away from or avoid a negative state.

If the individual wishes to move towards a goal, that is, gain something such as money, excitement or peer respect, he or she will weigh up the positives and negatives of each course of action as they relate to his or her own perceptions, values and personality traits. These positives and negatives will be moderated by planning, and the best outcome, in this case the offence, is followed up as action. In other circumstances, individuals may find themselves in a situation where they are experiencing what is for them an unbearable level of difficult emotion or other aversive internal state. As the decisions he or she took leading up to the situation have effectively narrowed the options of behaviour, he or she needs to act to relieve this situation (achieve pain-neutrality). Alternatively, and again being in a situation with a limited number of possible resolutions, an individual observes a negative state approaching

(such as the disapproval of a partner) and wishes to act to prevent this from happening. If the individual does not have many options of action, and coupled with the fact that they may have poor coping skills (determined by their own personality traits and previous experiences) this may then result in an offending act as a consequence. A key difference between these two scenarios is intention – in the former scenario, where the individual wishes to achieve a goal they focus their ‘intent’ on deliberate action, in this case an offence, to achieve it. In the latter scenario, an individual’s attention is focused on their internal state, and the offence occurs almost without intent – their attention is exclusively focused on wishing to relieve or avoid their internal state.

Another important difference between the two types of motivation may be the particular circumstances that lead to a maximisation or minimisation decision taking place. From the acquisitive type offences (though not of course for all) individuals do appear to have, in general, time to think, they can make plans, and in many cases feel confident in their ability to carry out their intended actions. Individuals describing ‘pain-neutral’ seeking circumstances feel more pressure, they often describe lack of time to think, the effect of strong emotion on their thoughts, the lack of options they perceive and in many cases, the fact that their judgement has been further impaired through the use of alcohol and drugs. These circumstances make it even harder for a decision to be made, a factor emphasised when individuals looking back do see other options or outlets they could have taken that they did not consider at the time due to extreme pressure.

A ‘Decision Process’ or ‘Decision Structure’ model, as a development of the modern Rational Choice Theory could account for these differences in offending motivation, and in doing so, begin to identify some of the factors that have affected an offender’s decision. These factors could include the costs and benefits of an offence traditionally included in a decision making model, but would also take account of the personal feelings and value

hierarchies of the individual, the social circumstances, and any time pressures or other constraints that the individual was under. This is not a new idea within decision making theory, and the concept of 'bounded rationality' described by Cornish and Clarke (1986) can be extended to cover these factors. Cornish and Clarke described bounded rationality as a decision calculus that used just enough information to make a 'good enough' decision, but in this context could be used to describe all of the elements that constrict the individuals' ability to make a decision, such as high emotion, time pressures etc.

Just as the core concepts of a modern Rational Choice approach 'decision calculus' can be seen to operate within a 'Decision Structuring' model, provided the initial maximisation/minimisation goal is understood, so then do some of the important concepts identified by Rational Choice theorists remain relevant. The Cornish and Clarke (1986) definition of bounded rationality can be seen to have applications as described above, and additionally the concept of 'choice structuring properties' originally referring to the information that offenders attend to when deciding on an offence, can be utilised. Rather than these choice structuring properties being limited to the information an individual attends to, these properties can also be made up of the value hierarchy individuals hold, their feelings and preferences, and the way they make judgements such as a tendency towards impulsivity. All of these choice structuring properties can go towards making up the individual's judgement or heuristic framework – as it applies at that point in time. Once an individual moves to a different set of internal and external circumstances, this heuristic framework will be altered, the most extreme alteration occurring where an individual moves from a maximising to a minimising motivation, or vice versa.

As these themes and concepts begin to illustrate, the evidence collected within this study appears to be suggesting that an inclusive model of decision making such as a 'Decision Structure' model described here may be appropriate.

In summary, the evidence suggests that a development of the Rational Choice approach in the ways identified within this chapter could enable the use of this developed model as a tool for the understanding and explanation of the offending process. The first of these developments, in short, would include the identification for the motivation behind the offence as either outward/maximising or inward/minimising. In addition, there is the necessity to work within the personal features and social circumstances of the offender, as the motivation for the offence cannot simply be deduced by observing the output behaviour. To enable this, the model would expand its focal point from the criminal event as a discrete point in time and recognise that most criminal events involve either prior-thinking or prior-choices or both. The model can also help with explaining these choices using the same tools of analysis, identifying the bounded nature of the available options, the choice structuring properties in place, and most importantly the maximising vs. minimising elements of motivation.

Section 7.3: The Decision Structure Model and Integrating Theory

If such a model as described above were to be useful, what impact would it have on the bridge between theories of the criminal event and criminal involvement? (Cornish, 1993). As described earlier in this thesis, work has begun to develop integrated theories of crime which attempt to do just that. By combining psychological theories of crime with sociological theories of crime, criminological theorists have gone some way to explaining how the individual operates within and is influenced by the society and groups around them. For example, Thornberry's (1987) combining of Control Theory and Learning Theory described how social constraints may prevent offending, but where these are loosened individuals do not automatically offend, instead will only do so if they also have pro-delinquency attitudes.

This theory suggests perhaps a similar process to that described in the Decision Structuring Theory proposed here, in that an individual, finding herself in particular social circumstances, will alter her judgements according to her value hierarchy and act in a way to satisfy those values and the underlying motivation. If the individual is in a 'maximisation' frame of mind she may or may not decide to take advantage of any opportunities the circumstances present. If she is within a 'minimisation' frame of mind at the time, and in the same circumstances, she may behave very differently.

Wikström's (2006) Situational Action Theory agrees that individuals do not operate in a vacuum, but that the individual, the social and the cognitive factors pertinent to the individual at that time will together influence any choices made. Situational Action Theory shares many similarities with the model proposed here, emphasising that it is the interaction between the social/environmental factors and the individual themselves that results in a person 'breaking the rules' or offending. An offence will occur, the theory argues, where an individual with the propensity and motivation to commit a particular offence finds him or herself within a situation that contains the correct criminogenic features. (Wikström, 2009) This theory therefore recognises that individuals will vary in their propensity to see crime as an option, and that this propensity will interact with the options perceived as being available within the social/environmental context.

Just as Situational Action Theory describes the interaction between various influences on the offending process, so does the 'Decision Structure' model described here, by emphasising that at any point in time the influences or effects of the individual's motivation, their feelings, values or circumstances will work together to affect decision making, and that all of these factors can vary over time. The main influence within this model is the drive for the offender to 'minimise' or 'maximise' and that this motivation will affect what action he

or she takes, within the context of their individual propensity to offend, their values, judgement heuristics and situation.

The potential appears to exist for a developed decision making theory to integrate elements within the existing range of criminological theories, for example by utilising aspects of sociological theory to explain how circumstances and 'choice-chains' occur to place an individual in a circumstance where an offence is an option (or the only perceived option) using concepts such as control, power, poverty or peer influence as contributing factors. Equally, the application of psychological theory may help to explain how individuals construct value hierarchies, become affected by stress or emotion, or make judgements for example. Of course, such an ambitious goal cannot be fully realised with a model developed from a small sample and these ideas are as yet untested elsewhere, but the potential remains to use the understanding gained to begin to explore some of these theoretical applications.

Section 7.4: Implications for Criminal Justice Practice

The model described above is based solely on the offender experience collected as part of this study, alongside the discussions of both offender and staff focus groups, but if application to the offender experience can be assumed based on this preliminary sample, what applications can the model have to how others work with offender experiences? Given the preliminary outline of this model proposed above, and the description of the key components of the model, the next stage of evaluation will, by necessity, be the extent to which the Decision Structure model applies to the work done by the Probation Service and other criminal justice agencies. These potential applications are reviewed in the next section.

If evidence contained within the group and individual narrative can be assumed to be representative of the offender experience, what implications will this have for the use of the decision making approach within Criminal Justice? The first salient point to note in this context is the finding that formal sanctions are, as has been found in previous research, not generally regarded as a deterrent by offending individuals. Formal sanctions are often not included in the decision making process, the perceived assessment of their probability is low, and offenders furthermore do not place a high value on their costs. This certainly is pertinent to working with those individuals who do offend, to understand that something other than threat of a more severe punishment is needed to change behaviour.

The impact of the decision making approach to crime is clearly visible within the discussion that took place within the Probation staff focus group, where staff were united in their assertion that there is always an offending decision. However, when examining the staff discussion more closely, their views on how this decision takes place does not fit perfectly into the Rational Choice model. Instead the staff describe the different factors that may affect decision making, and emphasise the importance of an individual's circumstances, feelings and decision history. Similar scenarios to those described by the offenders were presented, with some individuals being seen as making highly rational straightforward decisions to offend, and others making a series of poor choices that narrowed their options considerably.

The emphasis from the staff discussion was on the responsibility of the offending individuals for their behaviour, and the way in which Probation staff seek to work with these individuals in order to help them take responsibility for their choices. With this in mind, the proposed data model could help considerably with this task. As the model proposed in this thesis takes account of both the decisions taken before the offence, and the individual's motivations and needs it could be used as a tool with offenders to, as one member of staff suggests, 'untangle' the situations these individuals may be in and help them understand how

circumstances come to be, and how this affects their behaviour. The Probation Service already has a focus on offenders' needs as they relate to their offending behaviour, and attempts to match interventions given to the offender to both their needs, and their responsibility. This effort could be supported by the model's emphasis on the 'maximisation of utility' or 'minimisation of disruption' motivations behind any action and how this motivation, interacting with the individual's personality and circumstances may lead to certain behaviours. In working through a situation or behaviour with an offender a criminal justice professional will attempt to help the individual understand their behaviour, and how this was a product of both themselves and their environment. This model could assist with that process, enabling individuals to identify their stressors, understand their motivations and consider similar occasions where the outcome was different in order to begin to analyse alternatives.

As well as one to one work with offenders Criminal Justice agencies such as the Prison Service and Probation Service also work with offenders in groups, using shared experiences and established Cognitive-Behavioural techniques to explore alternative behaviours. Exercises completed in group work often involve 'mapping' out the circumstances leading to an offence to examine how it happened. This technique certainly draws parallels with the 'chains-of-choices' identified within this study, and again this data model could assist by applying a further conceptual framework to tie the process together.

Essentially, the work of the Probation Service seeks to protect the public and reduce risk by encouraging the desistance of individuals from offending. As referred to earlier, a large amount of work has been done concerning desistance, an approach to offending which looks at it from the other side of the phenomena, that is, why offenders stop offending, and what happens when they do. There exists an interesting and important body of literature on the theory of desistance from crime, and although impossible to locate a thorough review of

this here, it is pertinent to mention that the evidence within this study, and suggestions made on the basis of this evidence would potentially have applications to the desistance field.

Although cessation of offending was not a point of analysis for this study, instead focusing on factors occurring when an offence takes place, there was considerable reference made by the individuals within the study to what would make, or has made, them reconsider their behaviour. It is possible that a re-analysis with focus on these elements could be performed, and evidence revealed could add to the conclusions drawn here, and in doing so assess the usefulness of this model in light of desistance theory.

However, even without further analysis the 'Decision Structure' model as it stands even in preliminary form can be seen to have implications and overlap with elements of Desistance Theory. Desistance or the process of ceasing to offend is a study of the reasons that individuals cease to participate in crime, and the factors that may influence this process. One of these factors recognised as being influential in the process of desistance is the concept of 'social capital' (Sampson and Laub, 1992) of the individual. Social capital refers to the interdependent bonds an individual forms with others – a partner, child or other significant people in the community. These bonds were reported as being influential on behaviour by the individuals interviewed within this study, by both the offender and the staff participants. Several offenders described how they now have a partner or child, which had led them to be motivated to offend less, and one staff member referred to the 'hatch, match and despatch' effect being influential on offending behaviour, meaning that a birth, marriage or death of a significant other can affect an offender's outlook. Interestingly, there were also cases in which individuals within this sample described their strong social bonds as contributing to the circumstances affecting their decision to offend. Examples of this include the desire to placate a violent partner by offending, or the stress caused by being parted from a child taken into care leading to a violent outburst. It is clear that social capital is a strong influence on

offending behaviour, but that once again, the exact influence it exerts on an individual will also depend on many other factors.

However, social attachments are not the only influential factor. Psychological factors have also been shown to be important to the desistance process. In particular, individuals need to have a sense of agency and self efficacy that they can effect change (Maruna, 2001). Research into desistance has shown that 'hope' or the belief that things can change, is associated with lower recidivism (Snyder et al., 1991). It seems then, that for desistance to be possible, both practical circumstantial and psychological factors must combine in order for it to happen (Maruna et al., 2004). The equal pertinence of the social/external and the internal/psychological factors to desistance mirrors the findings within this study that the combination of these factors are equally important to the 'opposite' process, i.e. committing a crime rather than stopping doing so. Just as the data model emerging from the present findings suggests that it is the particular combination of social and personal factors that affect the decision making process, so is desistance a product of the interaction between the personal/subjective and the social/environmental (LeBel et al., 2008).

Of course, aside from the internal factors such as value hierarchies, personality, and the circumstances and environment an offender is in, the other key aspect that this study finds to be central to the decision making process is the motivation of the offender to maximise or minimise. Once again, parallels can be drawn with the developments in desistance theory. It is argued within what have been termed 'motivational models of desistance' (Uggen and Kruttschnitt, 1998) that even where social bonds or circumstances are such that an individual may be well placed to desist from crime, that any change must be preceded by a change in attitude (Giordano et al., 2002). Therefore desistance is only possible when the offender has his or her own motivation to change.

The overlap between the two decision process models, that of deciding to commit an offence, or deciding not to (and repeating this decision) is apparent, and it is possible that developments in the Decision Structuring model outlined within this study could be equally beneficial to the study of desistance as to the study how offences are committed. It is interesting to explore offender motivation within each of these models. If as stated earlier an offender can be seen to be acting through a motivation to maximise benefits, or minimise disruption then these categories of motivation could equally be applied to the decision or motivation to desist. However, if within an offending situation an individual decides to maximise benefit, this may result in an offence, if that benefit is perceived as being the excitement or the money and so on that may come from the offences. If another individual with a different value hierarchy is in the same circumstances, but perceives their maximised benefit as continued family life for example, they may take the decision not to offend. If this overlap in the importance of the nature of the individual motivation to the offending/desistance process is pertinent, so are some of the desistance concepts pertinent to the development of the data model discussed here.

A sense of agency is seen to be important within the desistance process, that is, that the individual is able to perceive that they are able to affect outcomes through the choices that they make, that they have efficacy within their life (Maruna, 2001). However, for this to be the case the individual must perceive that alternative options are open to him. It is difficult to see, given the narrative of some of the offenders within this sample who describe 'having no other choice', where this agency may be. Equally, the concept of self or alternative identity within Desistance Theory wherein the individual must be able to develop a 'non offending' identity (Laub and Sampson, 2001) is an interesting idea to consider in light of the findings presented here. Several offenders expressed the view that they no longer wished to be seen as a 'smackhead' for example, but gave no examples of what alternatives they wished to build

for themselves. In addition, many of the individuals interviewed can be seen to identify positively with their 'offender-self' identify, citing their pride in their skills and expertise in these pursuits, and even describing offending as a job. This appears to be the concept of 'alternative identify' turned on its head.

It does seem even from this brief review that the findings within this study do have direct application not only to offending decision theory but also to related fields such as Desistance Theory. If a good understanding of the personal, motivational and social factors that combine to form a decision to offend can be further established, then this understanding has the potential to contribute also to knowledge of how these decisions can become reversed and feed into established knowledge of the desistance process.

Section 7.5: Critique of this study

In consideration of the methodology used within this study, there are several considerations and caveats that must be recorded. While in general, the evidence emerging from the study was rich and varied, no methodology is without its limitations and given this, no research can be claimed as definitive. A critique of the current methodology can be made on several points. The sample employed for this study relied on volunteers from the current caseload of the Probation Service at the time of the study. The potential disadvantages to this are threefold. There is always potential for a selection effect with volunteer based studies with the risk that those individuals that volunteer do so due to their own agenda. However, the information given to potential candidates was limited at the initial stage, and it would be difficult for any individual to form intentions on this basis. The selection of individuals being under statutory supervision is a further concern. It could be argued that these individuals are in some way unsuccessful offenders, and may not represent the decision making of non-

convicted offenders. However, as the individuals pointed out themselves, their offending history was often more lengthy and complex than their conviction history, and this success in evading detection for many of their offences can not be seen as indicative of an unsuccessful offender. The other concern about using this particular sample is that their position as Probationers may induce them to attempt to respond in a particular way. In mitigation of this risk, it was established with the participants that they would receive no benefits in terms of their sentence for their participation, and the interview was presented in such a way as to minimise as much as possible the creation of any demand characteristics for the participants.

The interview technique utilised was designed in a semi structured format, in order to allow for flexibility of individual response, without this straying too far from the remit of the study. This was a successful approach, and participants did seem in general to engage with the interview process, finding the prompt questions and topics stimulating. Of course, with any interview of this type there was temptation for the narrative to veer away from the topics at hand to a considerable extent, but this was felt to be adequately controlled by the researcher. This technique has the potential, as in this study, to reveal rich data and evidence, but it is time consuming and expensive in terms of researcher resource, both in the interview and the later transcription. However, despite the resource intensive nature of this methodology the results emerging from the study were such as to justify the efforts made. If such a study was rescheduled, it may be useful to consider the employment of a larger sample group, to ensure saturation of analysis in the noting of themes and concepts emerging from the data.

Focus groups were set up to run after the initial interviews had completed, in order to test some of the preliminary themes that had emerged from the interviews, and proved a fruitful way of obtaining a variety of opinions and thoughts around the pertinent topics. Focus groups can be difficult to run successfully, and though the researcher facilitated and

led these groups alone, this is a demanding task, which may have been aided by the assistance of a second researcher. In one case, within the staff focus group, the discussion became emotionally charged when one staff member introduced personal experiences into the group, and the group dynamics became difficult to manage. However, this was accomplished successfully and at no detriment to the quality of the rest of the discussion. It is proposed that using a larger group size, or doubling up on groups, would be a useful strategy in the future to ensure a varied group membership to enhance generalisability and the variation of experience. This is particularly true of the offender focus group, where all of the volunteers that turned up on the day were fairly young, and most had index offences of violence.

Finally, the analysis employed borrowed techniques from Grounded Theory, utilising the constant comparison and coding characteristic of the approach to capture emerging themes within the data. While this was not a purist application of Grounded Theory in that a literature search was conducted before the analysis and the researcher was privy to the findings of previous relevant research, every effort was made to remain as objective as possible and reproduce faithfully the meanings and ideas found within the text as presented by the offenders. It would be useful at a future point, in a possible extension to this study, to have this analysis verified in terms of the themes emerging by employing the efforts of a second researcher.

Section 7.6: Summary and future research

Before drawing this analysis to a close, it is appropriate to review the positive and unusual aspects of methodology utilized in the obtaining of these results. Many of the studies of offender decision making, as outlined in Chapter One, (Introduction) focus on sample groups of offending individuals who all have a common offence type, such as burglary (Wright and Decker, 1994), driving offences (Corbett and Simon, 1992) or violent/sexual offences (Assaad and Exum, 2002; Bachman, Paternoster and Ward, 1992). Unlike these previous studies, this research did not focus exclusively on one specialized offence type, instead applying the methodology to various types of offence and offender within the same cohort in order to test the Rational Choice Theory of offending in a general offending sample, rather than as applied to a discrete offence type.

This sampling included those having committed an expressive or affective offence, to which the Rational Choice Theory approach perhaps does not traditionally seem to apply, and is an offence category on which more limited work has been done. For similar reasons, that is, to test out the applicability and validity of the rational choice theory to all offending and offenders, female participants in the interview groups were deliberately oversampled so that a review of decision making could be undertaken not just across offence types, but across males and females. A further point of note to the research sample used within this study was that all individuals had real, convicted, offending histories (at least one convicted offence), which was felt to be important. From the narrative obtained from this offender sample, and from the additional individuals in the focus groups, a set of emerging themes was noted, an analysis of which suggests some points of overlap with the processes outlined within the Rational Choice approach to decision making. Though the support within these findings was very limited for the traditional 'thin' models of Rational Choice Theory, the flexibility and more comprehensive nature of the 'thick' Rational Choice approaches suggested a better fit

with the evidence. A key component of theory suggested within this study is the conceptual split in motivation to offend between a 'maximising utility' and a 'minimising disruption' type goal and this is argued within this thesis as a pertinent development of Rational Choice Theory to make the approach more useful when considering a wider range of offences, including emotional or violent offences. The examination of the 'chain-of-choices' leading up to an offending event is also seen as valuable within the data model and it is suggested that the same 'Decision Structure' model can be used to analyse each of these choices in the same way.

Overall, it is the position of the author that although traditional Rational Choice Theory may have outlived its usefulness as a theory of real life offender decision making, the modern 'thick' approaches to Rational Choice Theory do still have useful functionality and utility in furthering our understanding of the offending decision. The developments proposed within this thesis are aimed to update the Rational Choice approach with an emphasis on the importance of the interaction between the motivation, the personal, and the social factors in existence for the individual at the time of the offence. In short, the 'Decision Structure' model represents a development of the modern Rational Choice Theory and retains the functionality of the Rational Choice approach while attempting to increase the validity of the application of the approach, by developing a model that can be applied to all types of offences and offenders, with the means to explain both within offence/offender and between offence/offender type variances in behaviour.

Future research

This study has raised several pertinent points as related to the application of Rational Choice Theory to offending decision making. In doing so it has equally raised some points of further enquiry which would need to be met by ongoing study.

- It would be useful to take the developed 'Decision Structure' model of decision making to groups of Probation staff and offenders in order to explore in more detail the applicability of the model to their understanding and experiences. It would also be illuminating to include in this research other groups with an interest in crime, such as the police, magistrates and judges
- It would also be relevant in future iterations of this research to examine in more detail a comparison of the 'offending description' as stated by the offending individual, and his/her Probation Officer. Although this was attempted on a very basic level within this study, the information contained in the documentation used for this purpose was limited. However, it would be possible to obtain a fuller version of events from the Probation Officer's point of view by interviewing the Officer as well as the supervised offender, in order to perform a similar analysis.
- Returning to the discussion regarding the potential differences in decisions made by novice or 'new' offenders and more expert or skilled offenders, it would be illuminating to split a study sample in such a way so that these decisions could be examined in more detail.
- Finally, in terms of methodological approach, it is felt that the somewhat unusual sampling employed within this study, the representation of female offenders in the sample, and the mixed offence type group, is a useful step forward from the all male, or all-burglar/shoplifter/robber type samples that have been seen in a lot of previous

work on offending decision making. Future use of such a mixed sample group from other offending populations could add to the representativeness of any conclusions drawn about how offending decisions are made, testing theories against various offending choices and both genders, while highlighting interesting and illuminating differences.

Section 7.7: The contribution of this thesis to the field of study

This thesis and the research contained within it has in both its methodology and analysis within the field of offender decision making, made some contribution to the collective understanding and knowledge within the field.

Methodological notes

As described above, methodologically, it has previously been unusual to include both male and female offenders within a sample group in studies regarding offending and crime. In order to test a theory of offending decision making that should be valid for all those making an offending decision, it was considered necessary that such a change to the traditional sampling methodology be made. Also, most research within this field has concentrated on analysing the decisions made about one offence type, for example burglary, or shoplifting. Once again, in order to attempt to develop the knowledge of offender decision making, it was important to open up the sample to individuals with varied experiences, in order that any theory of decision making could apply to all offending decisions.

Contributions to knowledge

The analysis contained within this thesis has developed the concept of the offending individual as a rational decision maker, and has developed the existing Rational Choice model into a more inclusive and time-flexible 'Decision Structure' model, that could be applied to both acquisitive and emotive or violent offences. In doing so, this adapted model has potential usefulness to agencies working with offenders both within the Criminal Justice System and through voluntary or charitable agencies to aid understanding of offending and facilitate changes in behaviour. As part of this contribution, the assertion is made that this research has:

- Contributed to a more nuanced understanding of whether, and when, a decision based on a rational calculus is applied prior to offence commission, and the nature of these decisions.
- Highlighted the importance of consideration of, and need for further study of, the interaction between personal factors, motivation and social circumstances in offender decision making.
- Introduced the potentially useful concept of the 'maximisation of benefit' *versus* 'minimisation of disruption' motivators within an offender's decision making, and how this concept can help explain subsequent decision making.
- Developed the potential to move decision making theories of crime away from 'crime specific' theories to a more unified and inclusive decision theory of offending that can account for offences and offenders of various types, and explain within type and between type variations in decision making.

- Provided a re-examination and discussion of the Rational Choice Theory of offender decision making, and re-opened the debate on this approach, particularly in light of the influence Rational Choice Theory still has within the UK Criminal Justice System.
- Developed the premise of a decision making approach to offending that has the potential to impact positively on related criminological theory both in terms of integrating theories of criminal involvement and the criminal event, and in related fields such as the study of desistance.

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Appendices

Appendix 1: Literature Search Strategy

A specific search strategy was devised in order to capture a range of research publications and theoretical texts that could inform this study. The search strategy employed was two-fold.

A list of keywords was devised based on the main topic of interest, the application of Rational Choice to crime. As specified above, this particular review of literature was focused on the existence and nature of a decision to commit a particular offence or crime. Initially, search keywords related to the main topic included Boolean combinations of:

Rational Choice, decision, crime, offender, choice, criminal, reasoning.

These words were subsequently supplemented with alternatives such as *felon*, *delinquent* and *convict* in order to capture literature from other countries or where terminology was different.

These keywords were used to search a variety of scholarly catalogues and bibliographical/reference databases, not limited to works of criminology. The catalogues most used were the print and e-catalogues of the University of Liverpool, and the print and e-catalogue of the Merseyside Probation Trust library – which contained a wide range of literature on crime, sociology, psychology, and related disciplines. In addition to these catalogues, search databases such as JSTOR, Wiley Interscience and ScienceDirect were employed to search a wide range of print and e-resources across a number of disciplines. The large e-database EBSCO was also used, which covers many different catalogues.

As stated, Boolean combinations of keywords were used to specify the best outputs. In addition, wildcards as appropriate to the database were used to pick up variations on words

that may have been missed by using a specific word. For example crim* as a search variable would pick up crime, criminal, criminality and criminogenic in the results.

Additional subtopic search terms were added based on the outcomes of the searches using the main key words. These included related concepts, with more precise terminology, and included 'expected utility', 'participatory decision', and 'bounded rationality', peer group pressure, motivation, resistance, desistance, and deterrence.

The table below gives an overview of the 'hits' obtained within searches based on the main search terms, and how the search was narrowed to encompass only relevant literature. The hits displayed are from the libraries mentioned, and the EBSCO search facility, an electronic search database which comprises thousands of print and e-journals and periodicals, and allows for the search of multiple knowledge databases at the same time. This service was provided by the University of Liverpool.

Appendix 1: Table 1

Term	Description	Hits (EBSCO)	Hits (Libraries)
#1	Rational Choice	24663	125
#2	#1 and crime	696	14
#3	#1 and decision	6956	18
#4	#1 and offender	14	0
#5	#1 and felon OR delinquent OR convict	176	117
#6	Decision and crime	36	<25000
#7	Decision and offender	8	<25000
#8	Decision and felon OR delinquent OR crime	176	>25000
#9	Expected utility and crime	2	149
#10	Expected utility and offender	0	29
#11	Expected Utility and felon OR delinquent OR convict	111	19
#12	(Rational choice OR decision) AND crim* OR offender	900	345
#13	(Rational choice OR decision) AND (offender OR crim) NOT legal	138	135
#14	(Rational choice OR decision) AND (offender OR crim) NOT (jury OR legal OR policy)	55	40

Upon searching the database using the search combination 12 as shown above, a detailed perusal of the literature returned revealed that much of it pertained to decision making in courts. This was excluded, first by using the term 'legal' which appeared as a common title element, and narrowed further by excluding jury and policy, two other common terms. The final search term combination revealed a hit rate of 55 hits from the e-database and 40 hits from the Liverpool University and Probation Service Libraries Combined. These 40 hits were also contained within the EBSCO database. These were taken as the starting point for the literature review.

The second strand of literature search was conducted contemporaneously, and began using a citation search of several of the seminal texts in the area of Rational Choice Theory and Crime. These texts included Cornish and Clarke's 1986 book 'The Reasoning Criminal', Piquero and Tibbetts (Eds.) 2002 book 'Rational Choice and Criminal Behaviour: Recent Research and Future Challenges' and Clarke and Felson (Eds.) 1993 'Routine Activity and Rational Choice'.

Databases were searched for literature and research that had cited one or more of these sources, and the resulting documents included in the literature to be considered. In addition to using these seminal texts as a start off point for a 'snowball' literature search, the references used by the authors themselves were obtained. This technique was followed for any publication or article that was thought to be highly relevant to the investigation, and the cited references obtained in each case where this was necessary or possible.

Finally, the author names that were regular contributors to the field (as discovered through keyword and snowball search methodology) were used as key search terms in order to identify more literature that may be relevant, but perhaps not contain the established search terms in the title.

Results of both search strands were limited to records written or translated into English, but were not limited by time period (literature published in any date range was included) or locality (results were not limited as to country of origin).

Appendix 2 - Interviewing Schedule – Offending Behaviour Interview

Introduction

Thanks for attending

Recording device

Confidentiality

Info sharing sheet

Consent form – explain

Part One – Factual Information Gathering

Open question

Tell me about the offence you committed that ended up with you getting your court order to come to probation.

PROMPTS (if necessary)

What was it?

Where did it happen?

When did it happen?

Who was with you?

Were they involved?

Part Two – Around the Offence

Open question

What was happening in your life?

That day

That week

That whole time – months etc

PROMPTS What were you thinking about?

Did you have any specific problems?

Any general things that were on your mind?

Any events going on in your life that were slightly out of the ordinary?

Open question

How were you feeling in the period before the offence (tailor time period to type of offence)?

When did you start to think about offending?

PROMPTS A particular offence, or just the general idea of doing something?

When exactly did you first get the idea – a long time before it happened or seconds before?

Part 3 – Moving towards the cognitions/ feelings about the offence

Open question

Put yourself right back to where you were when you first really started to think about what you were going to do/what you were doing. Think about some of the things that were going on around you and inside your head.

What were your first thoughts?

What were your first feelings?

PROMPTS Were you feeling wound up or stressed?

Were things building up in your head?

What about others with you, what were they doing?

Open question

What happened next? Moving from how you were feeling a few hours before what about a few minutes before?

PROMPTS Did your thoughts/feelings go away or carry on and bother you?

Did you feel good or bad about what you were thinking?

Did you argue with yourself?

Did you cast around for something else you could do – or see no way round it, or did you feel happy with your choice?

Did you do things to help you relax and commit the offence?

Did you have influence from other people one way or another?

Open question

Can you tell me if any of this was planned, or did it just seem to happen?

PROMPTS If this wasn't planned, what happened – how did you find yourself in the position of committing an offence?

Open question

How did your feelings and thoughts about what you were doing change as you moved towards the offence?

Did you talk about it to others – did they agree to help you – or perhaps the other way round?

Had you had any alcohol or drugs around this time?

If yes, at what point?

PROMPTS Did you look around for suitable places?

Did you think you might meet someone who could help you?

If yes, was that why you went?

Open question

What were you thinking as you did these things?

What were you feeling as you did these things?

Did you think about who the offence would affect? You, your family, the victim etc?

PROMPTS Were you tempted to change your mind?

Did you start to feel more excited as you mentally or physically got closer to the offence?

Part 4 – Back to the offence

Open question

Tell me your story of the offence again from start to finish. Anything you remember seeing, hearing, feeling or thinking is relevant and I am interested in hearing all of it.

Put yourself back to that day – the point you think is most important to you some time before the offence happened. Tell me as if you were back there.

PROMPT Where necessary – affirmation and context sensitive

Part 5 – Going back in time

Open question

Thank you – while you have the events fresh in your head, go back a bit further to just before the offence happened again. Do you remember any more about what had been going on for you – how you were – what was happening around you?

Had you decided to commit an offence by now or was it a spontaneous thing that just happened later?

PROMPTS What had been happening in your life before the day you described above.

Anything that might have made you the person you were right at that time before your offence, when you were thinking about it and planning it.

Open question

How had your thoughts developed over the last few weeks – had these been influenced just by you or by anyone else?

Part 6 – Changing focus

Open question

Now you have described everything to me, what would you say would be the title of your story if you wrote it as a book – what would really be the reason you gave for why it happened.

PROMPTS Bring in any relevant points from before – drugs/alcohol – specific events

Open question

If you were writing your book, and had to do a chapter taking place after it all happened, what would it say? If you wrote the book again, would you do all of the things in the same way, or maybe change some of them. If you would change them, can you explain why and how?

After hearing all of the things you have told me, which of the things you did would you say now, looking back, you decided to do, and which just happened?

FINISHING OFF:

Thanks for coming.

Confirm what will happen to the information?

Appendix 3: Participant Information Sheet:- Interviews

INFORMATION SHEET - OFFENDING BEHAVIOUR INTERVIEW

Dear Sir / Madam (delete as appropriate)

I am a researcher employed by the National Probation Service. I am undertaking a project of research for my own PhD, and am registered with the University of Liverpool for this purpose. I am hoping to find out about the types of things people feel and think about when they commit an offence.

To do this, I am interviewing quite a large number of people who are on Probation, so that they can tell me their feelings and thoughts about their offence. This information will help me understand more about offending behaviour.

I would be very pleased if you could participate in my project. If you agree, I will come and meet you in your usual Probation office or another suitable location at a time convenient to you. Interviews usually take about an hour and a half but may be slightly longer or shorter than that. I will ask you about the offence that led to your probation order, and you will have the chance to explain all of your thoughts and feelings about that offence.

Any information you tell me is in complete confidence and will not be shared with anyone else. At the end of the project, when I use the information told to me by all of the participants, names and any other way of identifying you will be removed from my report.

Please let your probation officer know if you are interested in participating, and I will contact you to make an appointment. Thank you in advance for your help. You would be a valuable member of my project, and I look forward to meeting you

Rachael Steele, BSc MSc

Appendix 4: Participant Consent Form - Interview

CONSENT FORM - OFFENDING BEHAVIOUR INTERVIEW

I would like you to sign to say you have understood and are happy with participation in this project. Only sign this form if you are satisfied with the information you have been given.

- I have been given the information sheet, and have read and understood it
- I understand what I am being asked to do to participate in this project
- I understand that should I wish to, I can withdraw from this research project at any time
- I understand that any information I share about myself will be treated confidentially, subject to risk of harm to others.
- I understand that participating in this project will not affect any other part of my probation order in any way.

I agree to participate in this project

NAME:

DATE

Appendix 5: Focus group (offender) information sheet.

Participant Information sheet: Focus group: Making an offending decision

You are being invited to take part in a research project. Before you decide whether to take part or not, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask me if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part. Thank you for reading this.'

The project:

- This focus group is designed to help me find out more about what happens when you commit an offence. This may include what you were feeling, thinking, or what was happening around you.
- The aim of this research is to learn more about what affects people when they offend, and if the offence is the result of the individual's decision, or if it seems to just happen.
- This part of the research follows on from long interviews with more than 45 people who talked to me in detail about these issues.

The Participants (You)

- You have been asked to take part as a person who has committed an offence in the past, who may be willing to talk about what happened.
- Taking part in this group is voluntary – if you decide not to take part, or if you join in then change your mind, you are free to stop being involved at any time, without any negative consequences.

- Everyone in the group will have different opinions and different ideas, and all of these are welcome. If your experiences are different to those of others in the group, that is OK. I am interested in all different kinds of people and ideas.
- The group is a place where everyone can express their own thoughts and experiences without worrying about negative judgements from others. No discriminatory language or behaviour is acceptable. Any participant who does not respect the other group members will be asked to leave.

The group:

- Before we start, I would like you to sign a consent form which explains how anything you say will be used, and what will happen to it.
- The group will last no longer than an hour and a half.
- The group will be recorded on a digital dictaphone, so that I can listen properly and not be distracted by taking notes. I will be the only person to listen to this recording, which will not be made available to anyone else.
- Although I will ask you to sign your name on the consent form, no names or other identifying information will be shared with anyone else in any format.

Appendix 6: Focus group (offender) consent form

Focus Group Participant Consent Form

Title of Project: Making decisions about offending

Name of researcher: Rachael Steele BSc MSc

Please read the form carefully and tick each box if you agree with what is said for each numbered statement. If you are happy to participate, please sign at the bottom of the form.

1. I confirm that I have read and understand the information sheet dated ()
explaining the above research project and I have had the opportunity to ask questions about the project.
2. I understand that my participation is voluntary and that I am free to withdraw
at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.
3. I understand that my responses will be kept strictly confidential.
I give permission for the researcher, Rachael Steele, and other parties necessary as part of the research, to use my responses in any text that is produced from this research. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.
4. I agree for the data collected from me to be used in future research.

5. I agree that anonymised information about me can be used at a group (aggregate)
level so that the research can describe the types of people that took part in the
research
6. I agree to respect the opinions and feelings of other people within the focus group
and to respect their confidentiality. I understand that any information shared by other
group members is not suitable for discussion outside of the group.

Appendix 7: Focus group (offender) Schedule

Focus group schedule: Offenders

Introduction:

- Introduce myself and give a short overview of my work so far
- Outline the aims of the session and do the usual health and safety checks
- Give out information sheet and consent form
- Explain about how the session will be recorded, transcribed and stored.
- Ask for permission to use some demographic info on staff, including gender and length of experience.
- Request that participants sign and return the consent form

Focus group:

- When you think about when you have committed an offence, would you say it just happened, or was it a decision you made?
 - Or is it some mixture of the two?
 - In what proportions?
- Do you think this depends on the type of person?
 - What differences are there?
- Do you think this depends on the type of offence?
 - What differences have you found
- If you do make a decision, what affects it?

- What kinds of decisions do they make?
- At what points?
- What sort of things affect this decision?

- Is this different for different people?
 - In what way?

- Where you think no decision has taken place, what do you see as the sorts of reasons the offence happens, i.e. the factors that influence it?

Appendix 8: Focus group (staff) information sheet.

Participant Information sheet: Focus group: Making an offending decision

You are being invited to take part in a focus group as part of a research project investigating decision making in offending and the factors that affect it. . Thank you for volunteering to take part. This information sheet is a standard part of any research process and gives an overview of the research and your part in it.

The project:

- This focus group comprises the latter stage of an in depth qualitative study that has included open interviews with more than 45 offenders.
- The aim of this research is to explore the existence of the ‘offending decision’ and where a decision appears to take place, what factors affect it.
- The research will be written up as a chapter within a Doctoral Thesis under the supervision of Liverpool University.

The Participants

- You have been asked to volunteer for this focus group as a member of Probation Trust staff. In recruiting for the study, I have attempted to target staff with a range of specialisms, and a range of experiences.
- Your participation is very much appreciated, particularly in light of the pressure of work staff are subject to.

The group:

- As is customary practice when conducting any research project, the University requires that a consent form is read and signed by each person.

- The group will last no longer than an hour and a half.
- The group will be recorded on a digital Dictaphone, which will be transcribed by myself.
- Staff identities will be kept anonymous in any report written on this section of the project. I may use generalised information as part of a description of the group, such as gender, and length of experience

Appendix 9: Focus group (staff) consent form

Focus Group Participant Consent Form

Title of Project: Making decisions about offending

Name of researcher: Rachael Steele BSc MSc

Please read the form carefully and tick each box if you agree with what is said for each numbered statement. If you are happy to participate, please sign at the bottom of the form.

1. I confirm that I have read and understand the information sheet dated ()
explaining the above research project and I have had the opportunity to ask questions about the project.
2. I understand that my participation is voluntary and that I am free to withdraw
at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.
3. I understand that my responses will be kept strictly confidential.
I give permission for the researcher, Rachael Steele, and other parties necessary as part of the research, to use my responses in any text that is produced from this research. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.
4. I agree for the data collected from me to be used in future research.

5. I agree that anonymised information about me can be used at a group (aggregate)
level so that the research can describe the types of people that took part in the
research

6. I agree to respect the opinions and feelings of other people within the focus group
and to respect their confidentiality. I understand that any information shared by other
group members is not suitable for discussion outside of the group.

Appendix 10: Focus group (staff) schedule

Focus group schedule: Staff

Introduction:

- **Introduce myself and give a short overview of my work so far**
- **Outline the aims of the session and do the usual health and safety checks**
- **Give out information sheet and consent form**
- **Explain about how the session will be recorded, transcribed and stored.**
- **Ask for permission to use some demographic info on staff, including gender and length of experience.**
- **Request that participants sign and return the consent form**

Focus group:

- **When an individual commits an offence, so you think they make a decision to do so, or does it just happen?**
 - **Or is it some mixture of the two?**
 - **In what proportions?**
- **Do you think this depends on the type of offender?**
 - **What differences have you found?**
- **Do you think this depends on the type of offence?**
 - **What differences have you found**
- **Where you think they make a decision,**
 - **What kinds of decisions do they make?**
 - **At what points?**

- What sort of things affect this decision?
- Is this different for different people?
 - In what way?
- Where you think no decision has taken place, what do you see as the sorts of reasons the offence happens, i.e. the factors that influence it?

Appendix 11: Employer permission letter



NATIONAL PROBATION SERVICE
for England and Wales

Merseyside

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3rd February 2003

Faculty of Medicine
University of Liverpool

PhD Application – Rachael Steele

This is to confirm that Rachael Steele, as an employee of the Merseyside Probation Area, has my full support as her line manager in undertaking this course of study and research.

I can also confirm that, subject to the usual protocols and ethical considerations, Rachael will be given appropriate access to Probation Service information and, where necessary and appropriate, to the offenders we supervise.

If you require any further information or clarification please contact me.

Yours Sincerely

P. J. Murray
Asst. Chief Officer

