

Analysis of Counterfactual Thought Patterns of Repeat Criminal Offenders

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Abstract

Counterfactual thinking, or imagining alternate realities, has effects on our mood and behavior (Roese, 1994). Criminals with repeat offenses engage in counterfactual thinking, which has implications for law enforcement and crime prevention. Thoughtfulness, regret levels, and risk aversion of criminals can determine how many preparative counterfactual thoughts criminals will have (Gilovich & Medvec, 1995; Mungan & Klick, 2016; Schmidt & Van der Linden, 2009). We found that repeat offenders commonly engage in upward and subtractive counterfactual thoughts, especially those who have committed violent crimes. We suggest that future research further illuminates the connection between repeat criminal behavior and counterfactual thoughts to prevent future crimes.

Keywords: counterfactual thinking, alternate realities, mood, behavior, criminals, offenders, law enforcement, crime, risk, crime prevention

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Across 30 states, about two-thirds of individuals released from prison reoffended and were arrested within 3 years of release, and three-quarters reoffended and were arrested within 5 years (Durose et al., 2014). Understanding the counterfactual thought patterns of criminal offenders can help determine courses of action for both law enforcement, and those attempting to help repeat offenders change their behavior. Reducing the number of repeat offenders reduces crime rates (Celuch et al., 2015), which makes our communities safer. We set out to answer the question: what is the counterfactual thought pattern of repeat criminal offenders?

To examine the counterfactual thought pattern of repeat criminal offenders, we must first define what it means to be a criminal. A criminal is a person who engages in illegal activities (McDermott & Langdon, 2014). To be identified as a criminal insinuates that an individual has done something that is considered a crime. Crime is defined as a violation of anything under the law or social regulation (Akutaev & Magomedov, 2016). Criminal history and age are the two biggest predictors of recidivism, or repeat offenses, according to Walters and Lowenkamp (2016).

Counterfactual thinking involves considering alternate realities about the past and is often used when an event does not go as planned (Roese, 1994), such as being arrested for a crime. Roese (1994) categorized counterfactual thoughts by their structure and direction and described their respective functions. Counterfactual thoughts that are additive include an imaginary detail added by the person having the counterfactual thought, and those considered subtractive involve removing a detail to change the outcome of an event or situation (Byrne, 2015). Additionally, Roese (1994) states that direction of counterfactual thoughts can be upward or downward.

Upward counterfactual thoughts contain imagined realities that turn out better than the real event; downward counterfactual thoughts contain imagined realities that turn out worse than the real event. Counterfactual thinking can prompt emotions, help us to understand past events, decide what to change in the future, and can change how people judge the morality of each other's actions (Byrne, 2015). Counterfactual thinking also influences decision making in unethical situations, with potential consequences often being a determinant factor (Celuch et al., 2015).

Considering the preparative function of counterfactual thinking, Roese (1994) found that people who thought about a negative event using upward counterfactual thinking were more likely to set intentions to do something different in the future, demonstrating the preparative function. He also found that downward counterfactual thoughts made people feel better than upward counterfactual thoughts, which supports the affective function. Frosch et al. (2015) found that people are more likely to generate counterfactuals about events that they felt they had some degree of control over, rather than something that was out of their control.

Counterfactual thoughts can be generated about multiple aspects of past events. Frosch et al. (2015) identified a cause as an event that brings about an outcome, and an enabler as something or someone that made the negative outcome possible. Rather than focusing on the cause, counterfactual thoughts are often focused on the enabler of the negative outcome for an event, according to Frosch et al. In the case of criminals, this could mean that instead of reasoning that they should not have committed a crime, they create counterfactuals about what caused them to be caught. Additionally, when engaging in counterfactual thinking, people try to undo socially unacceptable behaviors (Frosch et al., 2015), which has implications for how we

assign blame. Macrae et al. (1993) found that counterfactual thoughts changed the way that people judged the perpetrators and victims of fictional burglaries.

Schmidt and Van der Linden (2009) found those who perform actions that are hasty, or not well thought out, are more likely to have increased counterfactual thinking and some of the negative emotions associated with it. This can lead to an increase in regret, shame, guilt, and counterfactual thoughts (Schmidt & Van der Linden, 2009). Schmidt and Van der Linden suggest that those who are more impulsive may be prone to regret their actions.

There is always a certain amount of risk involved in committing crimes. The level of risk that a criminal takes on depends on what they stand to gain from the crime, versus what consequences they might face, like jail time for example (Mungan & Klick, 2016). The threat of punishment is observed in the planning of a crime, and unforeseen complications may induce more frequent counterfactual thoughts if the criminal is unsuccessful (Celuch et al., 2015). This would cause preparative, upward counterfactual thoughts to determine what could be changed to commit the crime successfully in the future.

When a criminal is caught, empathy for the criminal decreases and severity of punishment increases (Robbennolt & Sobus, 1997). This can lead to an increase in the criminal's desire for success and more careful planning. The criminal's personal regret combined with the risk of the operation would be the foundation for their future crimes (Gilovich & Medvec, 1995), with increasing amounts of counterfactual thought each time they are caught. If the potential benefit outweighs the threat of punishment, the crime is committed. In the current criminal justice system, the best way to prevent recidivism is to increase penalties for repeat offenders (Mungan & Klick, 2016).

Although personal differences and experiences vary, repeat criminal offenders can engage in preparative counterfactual thinking after they repeat a crime. Regret, risk, and thoughtfulness are all factors in how they execute a crime, with the success of their actions determining how many counterfactual thoughts they generate afterward in preparation for their next offense (Gilovich & Medvec, 1995; Mungan & Klick, 2016; Schmidt & Van der Linden, 2009). Understanding a repeat offender's process in learning from their mistakes can help law enforcement determine the changes the criminal might make in committing their next crime and lead to potential prevention.

Researchers and journalists have sought to understand the criminal mind for years. Jeffrey Lionel Dahmer is one of the most prolific serial killers in American history. Also known as the Milwaukee Cannibal, Dahmer was convicted for the sexual assaults and murders of 17 young men from 1978-1991. Years after he committed these crimes, Dahmer sat down to talk about why he did. During his interview, Dahmer expressed how struggling with his sexual identity as a homosexual male was a difficult process for him. Dahmer went on to talk about how his crimes were sexually motivated due to his struggle with his sexual identity. When asked what he would do differently Dahmer replied, "I wish it would go away, I wish there was some way to completely get rid of these compulsive thoughts I had." Dahmer ended the interview by expressing his feelings of remorse and sorrow for his victims (Paulson, 2018). Dahmer implies that without his struggle with his sexual identity and the compulsive thoughts he experienced, he would not have committed his crimes. This subtractive counterfactual thought process is further implied by the regret he felt for his actions.

Theodore Robert Bundy, also known as Ted Bundy was an American serial killer who

was convicted of the rape, kidnap, and murder of several young women during the 1970s. Less than 24 hours before Bundy was due to be executed, he sat down for his final interview to discuss his crimes. Bundy explained that early in life he was exposed to the world of pornography. Bundy went on to discuss how in the pornography he viewed, there was a large depiction of violence against women. Bundy expressed that his addiction to these violent pornographic films largely motivated his criminal behaviors. Bundy was asked how his life would have been different if he had not been predisposed to this type of hardcore pornography and replied with a counterfactual thought. Bundy replied by saying that if he had not watched the aggressive pornography at a young age his life would have been better, and he would not have committed the crimes he did against those women (Key, 2018). This counterfactual thought about whether Bundy would have committed the crimes if he had not been exposed to aggressive pornography at a young age is both upward and subtractive.

We also interviewed an individual that has a criminal record but not a history of violence. We spoke with Samuel Sivels; a 28-year-old male currently incarcerated at the Ada County Jail. Sivels has a long outstanding criminal history that began during adolescence. He caught his first felony charge at the age of thirteen for robbing an armored car. By the age of seventeen, Sivels had charges for grand theft auto, theft, vandalism, possession of marijuana, disturbing the peace, rioting, and more. In total, Sivels has over 100 charges in the last 15 years. When we sat down with Sivels, we asked him what caused him to head down this path of committing crimes. He said, "Growing up, I was around drugs and crime a lot and I just kinda fell into it." We then asked Sivels what his first thoughts were after he was caught committing a crime. He responded, "I can truly say now I am tired of being an addict and doing the same shit over and over again. I

let all the females and drugs consume me. I wish I could go back and tell myself to stop doing all the stupid shit I was doing. I thought I was doing right the last time I got out, but I wasn't, and I regret it" (Samuel Sivels, personal communication, April 21, 2020). According to his comments, Sivels showed signs of upward counterfactual thinking.

What is the counterfactual thought pattern of repeat criminal offenders? After reviewing the literature on counterfactual thoughts, and the thoughts of repeat criminal offenders, we concluded that criminals tend to have increased counterfactual thoughts post-crime. We determined that criminals are more likely to have upward and subtractive counterfactual thoughts. This is likely because those who commit crimes think about how the outcome of their crime would be different if certain factors had not contributed to them being caught. This process could be utilized to imagine the alternate reality of never having committed the crimes to begin with, as we see with Bundy and Dahmer.

Counterfactual thoughts vary in type and the way they manifest based on individual circumstances. In our research, we found a lack of data directly linking repeat criminal offenders and counterfactual thoughts. Future research involving those who have committed crimes as participants would help add clarification to this topic, especially if how counterfactual thoughts influenced the criminals' perception of their crime was taken into consideration. According to Dunbar (2020), there is growing support in the U.S. for investment in preventative and rehabilitation services as opposed to increased investment in law enforcement. We can see from the counterfactual thoughts expressed by Dahmer and Bundy that early intervention and mental health treatment for children and young adults is necessary. Additional research into the counterfactual thoughts of repeat criminal offenders could help support these preventative and

rehabilitation services and increase their success rates.

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