

# Final account

## The Swedish National Council for Crime Prevention's initiative on research into economic crime 1998–2002



### Background information

Economic crime involves offences committed within the framework of legitimate operations. The majority of definitions focus on offences committed within businesses and other organisations. Offences counted as economic crime include amongst others tax offences, accounting offences, crimes against creditors, corruption offences, embezzlement, breaches of faith against a principal, environmental offences, food fraud, insider trading offences, fraud, insurance fraud, and offences against the health and safety at work- and workers' rights legislation.

The majority of economic offenders are drawn from the broad middle classes. Those convicted of the more sophisticated and organisationally complex offences are drawn from a higher social stratum, however.

Economic crimes involve substantial costs for society, with the costs associated with tax evasion alone being estimated at over 100 billion SEK per annum (approx. 11 billion Euro). By means of a combination of on the one hand preventive measures, which include legislation, informational measures and controls, and on the other anti-crime measures, it is possible to substantially reduce the level of costs associated with economic crime.

Studies have shown that a larger number of people today would like society to devote more resources to combating economic crime than was previously the case.

During the years 1998-2002, the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet – BRÅ*) provided funding to economic crime research in the amount of 26 million SEK (approx. 2.9 million Euro), distributed across approximately thirty different projects. The National Council has further contributed to the development of a knowledge-bank in an area that had previously been neglected, has produced a handbook for police, prosecutors and tax-crime units that presents concrete examples of preventive methods, and has produced a handbook for Government, Parliament and agencies with a supervisory and control function, providing concrete examples of preventive regulations and methods.

### A number of proposals

The business community has to assume more responsibility for the prevention of economic crime. This should take place by means of self-regulation in combination with control and supervision on the part of public sector agencies. The day to day operations of businesses are regulated by a range of actors with a supervisory and control function, such as accountants, environmental- and quality control officers, creditors, trade unions and trade associations. Regulatory changes and shifts in control practice may thus produce substantial leverage.

*“Cheating and fiddles cost society large sums of money. The amount of unpaid tax alone is estimated at over 100 billion SEK per annum.”*

## Yesterday

Prior to the initiation of its effort to develop Swedish research into economic crime in 1998, this had in the words of one government inquiry been “a distinctly neglected area of research” (SOU 1996:84). There

were a small number of rather dated doctoral theses that focused on the issue of economic crime.<sup>1</sup> Many of these researchers had in time moved on to different areas of research however.

There was no body of Swedish economic crime research to speak of, but rather a small number of isolated researchers who had interested themselves in specific questions related to economic crime. Just a few years ago, for example, there was no Swedish economic crime research that proceeded from the relatively large body of international research in this area, which had in turn been conducted over the course of a number of decades, primarily in the USA.

An area of research that has been studied only sporadically.



## Today

Today the situation is different. Several doctoral theses and other works have been produced within the space of a short period of time. Further, a recently concluded government inquiry (SOU 2004:18) reported to the Government that economic crime research had become established as a specific research field. Courses on economic crime are included as a natural part of undergraduate programmes at several universities. Today there are collaborations underway between Swedish economic crime research and international researchers in the field, and the majority of the works produced are grounded in the international literature.

Our knowledge of the causes of economic crime is moderately good, both at the structural level and in relation to the personality factors that may explain why some commit offences whilst others do not. This knowledge is particularly detailed in relation to certain types of business activity, such as long-distance road haulage and the restaurant sector. Knowledge serves to counteract the use of measures that are based on ignorance and which therefore have no crime preventive effect.

Crime is not explained only by the environment and the criminal opportunity structure. It is also governed by the ways in which public sector agencies work, and several studies have been conducted in this area, focusing on a range of subjects from the financial sector to economic crime. A research report was recently published evaluating the obligation incumbent upon company auditors to report suspicions of economic crime that arise in the course of their auditing work at individual firms. Knowledge of the way control activities and anti-crime

<sup>1</sup> Embezzlement (Wennberg, 1977), bankruptcy (Magnusson, 1978), price-fixing cartels (Holmberg, 1981) and tax offences (Vogel, 1970; Lyhagen, 1986).

Today the state of the knowledge on the causes of economic crime has been improved.



work are conducted are of substantial importance in order to steer the work of the relevant agencies towards the use of effective measures.

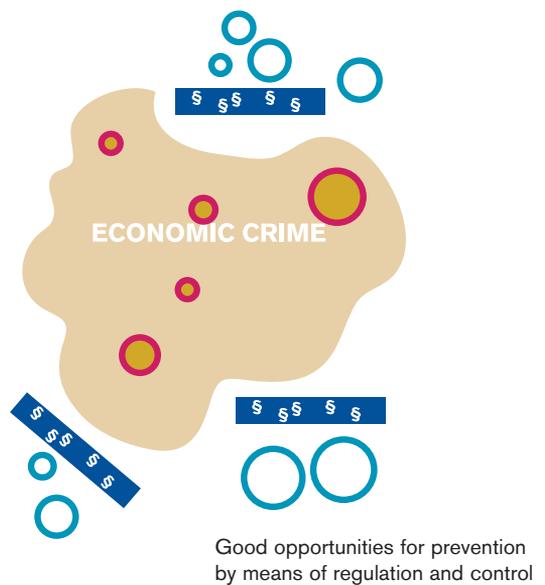
We also have knowledge relating to specific areas that is of major importance to the issue of economic crime. One area that could be mentioned in this regard is that of tax havens, such as are utilised in various different ways for criminal purposes, including tax evasion for example.

## Tomorrow

What we have not as yet reached is a point where legislators and the Government, as well as anti-crime agencies and agencies of control, utilise these research findings in the context of their routine work. One exception to this rule is found in the National Tax Board (*Skatteverket*), however, which appears to have come furthest as regards the implementation of knowledge-based control activities and work to combat tax offending. Over recent years there has also been a demand for research reports on the part of several governmental inquiries. In the future, then, research in this field ought to have a greater impact on the regulation of important areas of policy with the objective of reducing levels of crime.

This research should therefore focus to a greater extent on preventive issues and should be able to answer questions such as which regulatory methods lead to an increase in levels of obedience to the law. The same is true of the effects of the use of different forms of information provision, service and control.

If regulation and control work is to have a knowledge-based orientation, it is essential that research into economic crime does not come to a standstill but rather that ways are found to continue the organisation, direction and funding of this research into the future.



## The current review

The Swedish National Council for Crime Prevention's initiative on research into economic crime during the period 1998-2002 constitutes one element in the Swedish Government's strategy against economic crime that was presented in 1995 (Skr. 1994/95:217). This strategy laid the foundations for extensive reform work in the area of crime policy, which amongst other things involved establishing new organisations to combat economic crime and the introduction of legislation across a broad range of areas. The strategy still constitutes the basis for the Government's work in this area, and this year the Government presented an action plan for its continued work with economic crime (Skr. 2003/04:178).

The current report presents a review of the work conducted in connection with the National Council's initiative on economic crime research. Since research in this area has also been neglected internationally, we have decided to publish an English language version of the report. The hope is that the work we have done in Sweden will inspire others to understand the value of research into economic crime, and may perhaps lead to an increase in levels of international collaboration. The review has been written by the Council's Chief Legal Officer, Lars Korsell, Dr.Jur., who has been responsible for economic crime research at the agency.

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Ph.D.  
Director General  
Swedish National Council for Crime Prevention



## Good opportunities for prevention by means of regulation and control

In one of his short stories, the much loved Swedish author Fritiof Nilsson Piraten describes the life and times of the economic offender Oscar G. Jönsson, known as O.G. He borrowed money against mortgage deeds on properties, which then showed themselves to be located in Finnish Lapland and were thus completely worthless (Alalehto, 2003). O.G. had been influenced by contemporary economic theory, which argued that borrowing money to invest was not where the risk lay. Instead, it was lending that involved risks, a truism O. G. then did his best to confirm.

Thus economic crime is not a new phenomenon, but rather one that is substantially older than O.G.'s rampage through the provincial banks of southern Sweden. In spite of this, Swedish research into economic and environmental offending has long constituted a neglected area of inquiry. During the period between 1998 and 2002, however, the Swedish National Council for Crime Prevention was commissioned by the Swedish Government to distribute a total of 26 million SEK (approx. 2.9 million Euro) in funding in order to develop economic crime research in Sweden. The backdrop to this decision lies in the strategy to combat economic crime described in the introduction, one of the cornerstones of which involves meeting the need to increase the available knowledge on economic crime. Funding has been awarded to approximately thirty projects from across the country, ranging from the University of Umeå in the north of Sweden to the University of Lund in the south.

This document provides a general overview of the projects that have received funding from the National Council for Crime Prevention and of the findings produced by the researchers working within these projects. These findings have been published in the report series produced by the National Council and in the form of doctoral theses, as well as in other publications produced by universities and in the form of articles published in scientific journals. This paper also presents the work carried out by the National Council in the area of economic crime. The survey relates for the most part to work involving preventive measures to combat economic crime. The objective of this document is to provide as comprehensive a picture as possible of developments in this research field and to provide references for those wishing to examine this material in greater detail.

The English language version of this publication is directed at the Governments, Parliaments, Departments of State and justice system agencies of other countries, as well as at agencies whose work involves acting in a supervisory or control capacity. The paper is also directed at the research community, the media and at others interested in research and crime policy.

### Economic crime, something to count on?

One problem associated with the concept of economic crime is that it is unclear what forms of crime it actually relates to. There is no clear definition, and the conceptual content of the term has been debated since the 1940s, and in fact even earlier. In a paper published in the anthology

*“One of the most important tasks of the National Council for Crime Prevention is the dissemination of research findings to the justice system and to agencies whose work involves a supervisory or control function.”*

*White-Collar Crime Research. Old Views and Future Potentials*, published by the National Council for Crime Prevention, Sven-Åke Lindgren (2001), from the Department of Sociology at the University of Göteborg, describes how “white-collar crime” has been a focus of research interest since the 19<sup>th</sup> century. Martin Bergqvist (2002), from the Department of Criminology at the University of Stockholm, has in the context of his Licentiat dissertation entitled *Ekonomisk brottslighet – Något att räkna med?* [Economic crime – something to count on?] conducted a comprehensive review of the concept of economic crime, as it has been employed in the international literature in this area.

To cut a long story short, the economic crime concept may be viewed as relating to either the individuals committing offences, or to characteristics that distinguish the offences themselves. Edwin Sutherland (1949), who coined the white-collar crime concept in the 1940s, focused on the offender. Sutherland’s conceptualisation related to persons within the business community – and often within the upper echelons of this community – who abused their positions by committing offences, such as tax offences and the formation of unlawful price-fixing cartels. Much later, Susan Shapiro (1990) contended that it is more appropriate to focus on the offence than on the offender. In a much discussed article entitled *Collaring the Crime, Not the Criminal*, Shapiro argues that what distinguishes economic offences is the fact that they involve a breach of trust between individuals. It is thus possible to “rob” someone without resorting to the use of violence or

to conduct a “break-in” without actually breaking and entering a person’s property. It is primarily businesses and other organisations that find themselves in this kind of situation, where a crime may be committed for profit by means of a breach of trust, a trust which forms the basis of the relationship between the perpetrator and the victim. The majority of definitions of economic crime therefore focus on offences that take place within businesses and other organisations.

In Sweden, as in many other countries, we usually employ the term economic crime to refer to offences that occur within the framework of a business. The business operations of the firm are themselves legal, but regulations governing these operations are breached in order to earn money or to reduce costs, by such means as tax offences, for example, defrauding suppliers or consumers, or the commission of environmental offences or offences against laws regulating the work environment.

We might clarify the concept somewhat by distinguishing between offences committed in the interest of the firm – *corporate crime* – and offences committed by employees and others within an organisation and which often negatively affect the firm in question, *occupational crime* (Clinard & Quinney, 1973). The National Council report *Eko-brott. Utvecklingen av några centrala brottstyper* [Economic crime. Trends in a number of important offence categories.] (2002), shows that in Sweden, the economic crime concept has almost exclusively been employed in connection with cases where the firm and the business owner were the perpetrators (corporate crime), and not the victims of the economic offences in question (occupational crime).



It was the so-called BT-Kemi affair that laid the foundation for the economic crime concept in Sweden. The pollution scandal in the community of Teckomatorp in 1977 led in time to the introduction of an environmental (penal) code and to the establishment of special environmental crime divisions within the police and the prosecution service.



PHOTOGRAPH: INGVAR ANDERSSON / PRESSENS BILD

Internationally, however, occupational crime constitutes a central aspect of economic crime. Common offences of this kind include corruption offences (bribes and the use of slush funds), embezzlement, and breaches of trust against a principal. A number of the offences that have become the focus of attention in Sweden over recent years involve occupational crime; these include the shipping company Gotlandsbolaget (accepting bribes), the state owned alcohol retail monopoly Systembolaget (accepting bribes), and the directors of the insurance company Skandia (breaches of trust against a principal). The report from the National Council argues that such offences should also be regarded as examples of economic crime. There is currently a project underway at the National Council that focuses on the fact that companies too may be the victims of economic offending. A report presenting preliminary findings from the project has been published in an anthology (Liljewalch, 2003).



## BT-Kemi and the poison factory that disappeared

With the exception of littering, environmental offences are often committed within firms and involve infringements against the environmental regulations to which the business community is subject. Such offences are often motivated by financial gain in the form of cost-cutting. Today the battle against environmental crime is viewed as being a matter of course. Things were different in the 1970s, however, prior to the BT-Kemi affair. The concept of economic crime became familiar to many in 1977 as a result of the pollution scandal in Teckomatorp. At this time, following a long period of complaints from neighbours to the company BT-Kemi, excavations were conducted and approximately one hundred leaking drums full of contaminated filtering material were discovered. The factory was eventually raised to the ground.

Erland Mårald, of the Department of Historical Studies at the University of Umeå, provides an account of Sweden's first environmental crime scandal in the report, *Giftfabriken som sprängdes. BT Kemi-skandalen och miljöbrottsbegreppets etablering* [A poison factory demolished. The BT-Kemi scandal and the establishment of the environmental crime concept] (2002), published by the National Council. The BT-Kemi scandal laid the foundations for the environmental crime concept. This is contemporary history that resulted in the formulation of an environmental code and special environmental crime divisions within the police and the prosecution service. The report depicts the role played by the media in public perceptions of right and wrong, and of what is important and unimportant. In the introduction to the report, Valfrid Paulsson, who was the director of the National Environmental Protection Agency (*Naturvårdsverket*) when the environmental scandal at Teckomatorp was discovered, presents an eye-witness account of the events. In connection with the publication of the report, Valfrid Paulsson was also interviewed by the National Council's own journal *Apropå* (Haider, 2002a).

Publication from the Swedish National Council for Crime Prevention.



Publication from the Swedish National Council for Crime Prevention.



## Duped and poisoned

We have all seen them – the overhead projector slides with boxes and arrows showing how money and goods are passed around between companies in different countries. By the time the resolute tax auditors and economic crime officers move on to the third slide we are hopelessly lost among the arrows. In the National Council report, *Lurad och förgiftad. Att avslöja utsatthet för ekobrott*, [Duped and poisoned. Exposing victimisation in connection with economic crime] a British researcher, Hazel Croall (2004), shows in more concrete terms how economic crime affects ordinary people in the same way as traditional offences. Ordinary people die in the workplace because safety regulations are not followed, pensioners are cheated out of their pensions by racketeers, and car mechanics don't do half the work they charge for. Could we imagine a more concrete victim, asks Hazel Croall?

In this report, Hazel Croall takes us on a ramble through the landscape of economic crime research, far from the world of the overhead transparencies. Pausing first in the home, we are faced with the economic offences committed by tradesmen, for example, and repairmen. As we move out into the local community, the crime continues. The inhabitants may be affected by air and water pollution, which can lead to both injury and detract from the quality of life. The local community

Publication from the Swedish National Council for Crime Prevention.



is also affected by corruption, which leads to a drop in the level of resources available for public investments. The same is true of frauds directed against the local authority, for example. If we then move into the workplace, we may meet serious economic offences. British studies show that more die as a result of poor safety practices at work than as a result of traditional forms of violence. Employees may also be exploited as a result of infringements of regulations governing working hours, breaks in the working day, and wages and other forms of compensation.

At lunchtime we go out to do a bit of shopping and meet new economic offences. Consumers may be killed or injured by toxic or unfit food-stuffs. One of the oldest of forms of food fraud involves adulterating products with water and other cheap substitutes. If we then decide to travel, we may be faced with still further forms of economic crime. In the evening, we take a look at our savings. A large number of major scandals and serious frauds have involved financial services and investments. Even if major financial frauds are viewed as lying a long way from the day-to-day concerns of private individuals, many of them affect both large- and small-scale investors.

When Hazel Croall describes economic offences, she proceeds from crimes motivated by economic gain that take place within the context of businesses or other organisations. She also goes somewhat further and takes up infringements of the law that are not formally criminal offences but which negatively affect people just as perceptibly as these crimes. Certain economic offences may be committed as a result of negligence or incompetence, but these are nonetheless often the result of a firm holding down costs, not following the regulations, and having failed to do enough to recruit the right staff to monitor the company's own activities.

One important aspect of Hazel Croall's edifying description of economic crime is that she relates this to both criminology and crime policy, where the crime victim has come to assume an increasingly important position (Garland, 2001; Åkerström & Sahlin, 2001). In this way, economic crime is made intelligible and may encourage the introduction of measures in a different way than is the case when descriptions take the form of complex collections of arrows and boxes.

### The strategies of the cheat

In the report *Fiffelstrategier vid ekonomisk brottslighet* [Cheating strategies in economic crime] (2003), Tage Alalehto, from the Department of Sociology at the University of Umeå, surveys the international research literature and presents a compilation of economic offences in different areas. The overview focuses on the methods employed by swindlers and fiddlers as they commit their offences. First and foremost Alalehto examines different forms of fraud. One common form of swindle involves a company making a large number of orders over a short space of time, failing to pay the invoices, selling out the stock and then allowing the firm to go into bankruptcy while the owner of the business sits somewhere else and counts the money. Another form of economic crime involves the management of a firm fiddling the accounts and letting the firm pay for the directors' private living costs. Tage Alalehto also presents a long list of other forms of economic crime.

Phony invoice  
Tax evasion – less health care resources  
Tax money used for bribery  
Pension funds lost in speculation  
Dodgy car repairs  
Bad security at work  
Water and fat in sausage  
Polluted air



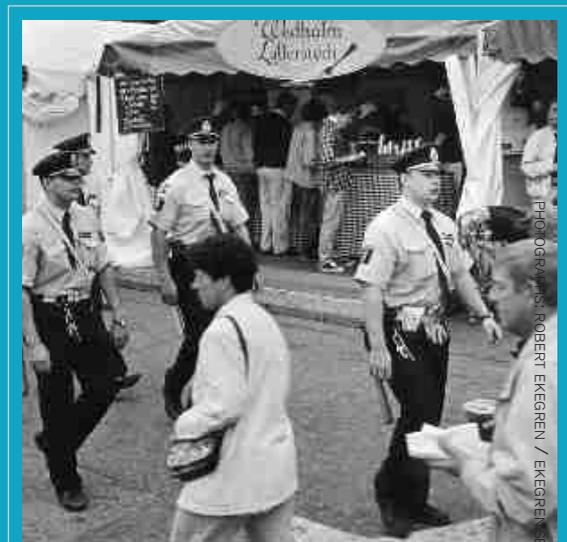
**Mrs Svensson  
is affected by  
economic crime**

Economic crime covers more  
than you would think.



“We have always prioritised environmental issues. If we have exceeded any permissible limits we will naturally take the matter in hand immediately.”

“I dread receipts.”



PHOTOGRAPHS: ROBERT EKEGREN / EKEGREN SE



The message is that we have to be more cautious and to conduct basic controls. In another paper, this time presented in the anthology *Förebyggande metoder mot ekobrott* [Preventive methods against economic crime] (BRÅ, 2003), which was published on the initiative of the agencies represented in the Economic Crime Council (*Ekorådet*<sup>2</sup>), Tage Alalehto, together with Jan Sjödin, describes a case in Sweden where a dishonest entrepreneur cheated both the county administrative board and the local authority out of millions of kronor. Investments that were supposed to attract jobs and wealth to the area showed themselves to lack the necessary cover.

### Whom can one trust?

The Swedish researcher Karin S. Thorburn (2002), from Dartmouth College in Hanover, in the USA, poses the question of how anyone investing in shares can know that the directors of a company are not appropriating money on their own account. The directors can sell out the assets of the company at a loss to another firm that they themselves control, they can award themselves generous salaries, sell shares cheaply to themselves or to relatives, and pay themselves various forms of compensation that are way too high. This last example in particular is highly pertinent in the business community today.

The principal instrument available to shareholders to control the managing director and other directors is to elect an effective board. According to Karin S. Thorburn, however, the board is often in the hands of the executive management. The crime committed within the American company Enron was *inter alia* a result of the fact that the board did not monitor the company directors and their transactions with the company to a sufficient extent, not least the generous compensatory systems involved.

Another control instrument in the hands of the shareholders lies in their ability to formulate a system of compensations for the executive management. An optimal compensatory system results in an incitement for the executive management to safeguard the interests of the shareholders. Compensations in the form of company shares have been common, but this may lead to insider trading in the run up to “good news” becoming public. The complexes of economic crime at Enron, WorldCom and Tyco have shown that share programmes of this type may lead to short-sighted behaviour and to the manipulation of compensatory systems.

According to Karin S. Thorburn, the composition of the board, reward systems and the voting power of company shares are of major importance for attempts to combat economic crime. In Sweden, a government inquiry working under the name the Government Inquiry into Business Confidence (*Förtroendekommissionen*) recently presented a proposal as to how confidence in the business community should be improved (SOU 2004:47). Important elements in this proposal include strengthening the role of the shareholders’ general meeting and of the company board in order to produce a more even balance of power within companies.

One common form of economic crime involves owners stripping a company of its assets. Karin S. Thorburn has studied 263 Swedish firms that went into bankruptcy during the period 1988 to 1991. Thorburn found that in eleven per cent of cases, assets valued at



Publication from the Swedish National Council for Crime Prevention.

<sup>2</sup> The Economic Crime Council (*Ekorådet*) is a collaborative organ for the directors of the central agencies working in the area of economic crime. The Council includes the Prosecutor-General (who is chairman), the Director General of the Economic Crimes Bureau (*Ekobrottsmyndigheten*), the National Police Commissioner, the Director General of Customs and the Directors General of the National Council for Crime Prevention, the Financial Supervisory Authority (*Finansinspektionen*), the National Tax Board (*Skatteverket*) and the Swedish Patent and Registration Office (*Patent- och registreringsverket*). There is also a working group attached to the Economic Crime Council that carries out the preparatory work for the Council’s meetings.

substantial sums had been transferred to companies owned by shareholders in the bankrupt firms. The material did not allow for a determination as to whether the firms heading towards bankruptcy were given reasonable compensation in connection with these sales, or whether these transfers worked to the disadvantage of company creditors.

Klas Buttwill, of the Department of Economics at Göteborg University's School of Economics and Commercial Law, is also studying bankruptcies and economic crime. In his forthcoming doctoral thesis, under a title of the same name, he poses the question: *Does Sweden have too many or too few bankruptcies compared to EU countries and the USA.*

### From major swindles to minor fiddles

On the initiative of the National Council for Crime Prevention, a first major review was conducted of Nordic research into economic crime – *Forskning om ekonomisk brottslighet. En översikt* [Research into economic crime. A review] (Korsell et al., 1999) – and thereafter a similar review was conducted of international research, *Från storsvindlar till småfiffel. Teman i internationell ekobrottsforskning* [From major swindles to minor fiddles. Themes in international white-collar crime research] (Lindgren & Theandersson, 2000). The international review takes up a number of themes such as the causes of these offences and who the offenders are. To this day the international economic crime literature points to the Kreuger crash as one of the largest major swindles ever perpetrated (Ruggiero, 1996). Ivar Kreuger was a Swedish financier who created a global industrial complex, which then collapsed like a house of cards, ruining a large number of investors (Shaplen, 1959). Kreuger shot himself in a hotel room in Paris in 1932, although there is still speculation as to whether he was actually murdered. Another example of a major swindle is described in Lars Bo Langsted's report from Denmark included in the Nordic review. In connection with the so-called Alberti affair of 1908, the Danish Justice Minister was exposed as having engaged in frauds worth a total value of over fifteen million SEK, which was a truly prodigious sum of money at the time.

Publication from the  
Swedish National Council  
for Crime Prevention.



The bank and finance crises witnessed in the western world at the beginning of the 1990s created distrust in relation to the deregulation process that had previously taken place. This led governments to start emphasising the need for regulation and legislation.



PHOTOGRAPH: ROBERT EKEGREN / EKEGREN.SE



Since this time the Alberti affair has been followed by one scandal after another. As early as 1973, the first special agency was established in Scandinavia to combat economic crime, in the form of the Danish State Prosecutor for Economic Crime (*Stadsadvokaturen for Saerlig Økonomisk Kriminalitet – SØK*)<sup>3</sup>. As can be seen from Lars Korsell's (Swedish), and Anne Alvesalo's (Finnish) reports, economic crime did not become the focus of attention in these two countries until ten years later. Paul Larsson's report shows that Økokrim was formed in Norway in 1989. In Sweden, the Economic Crimes Bureau was not established until 1998.

The review of Nordic research into economic crime further showed that the Governments of Sweden, Norway and Finland all formulated strategies to combat economic crime during the period 1995 to 1997. One of the factors that contributed to this development was the substantial economic decline witnessed at the beginning of the 1990s. In the aftermath of the severe economic climate, there were a large number of both bankruptcies and improprieties that made the economic crime problem much more visible. Finland was particularly severely affected. In Sweden too the situation was serious, and the major banks were carried by the emergency measures implemented by the central bank. Over a short period, the Bank of Sweden's (*Riksbanken*) interest rate was raised to 500 per cent in an attempt to curb currency speculation.

Oskar Engdahl (2003), of the Department of Sociology, University of Göteborg, has provided further nourishment for the crime policy developments witnessed over recent years in his doctoral thesis entitled *I finansvärldens bakre regioner. En studie om finansiella offshoremarknader och ekonomisk brottslighet* [In the rear regions of the financial world. A study of offshore financial markets and economic crime]. The economic crime strategies of the Nordic countries have been largely developed against the background of financial crashes across the western world, and not least the bank crises witnessed in the USA. These created a distrust of the deregulation process that had previously taken place. Frauds and failed investments were interpreted in terms of deteriorating opportunities for long-term growth. In combination with a fear of increased transaction costs as a means of reducing various risks, many countries began to emphasise the importance of rules of play and certainty within financial systems. Instead of intervening in markets or nationalising them, these governments placed emphasis on the need for regulation and legislation. Oskar Engdahl argues that subsequent to the events of 9/11 and the American accountancy scandals, inter alia in companies such as Enron, levels of uncertainty have increased further and with them the interest in a more established regulatory framework.

In addition to the special efforts being made in this area in Sweden, similar initiatives on research into economic crime have also been made in Norway and Finland. As can be seen from the review conducted by Paul Larsson (Korsell et al., 1999), there were early examples of economic crime research in Norway including Vilhelm Aubert's classic study of businessmen who broke the price- and rationing laws.

One of the tasks facing the National Council for Crime Prevention has been that of increasing the level of interaction and exchange between researchers in the field of economic crime. The review of Nordic economic crime research *Forskning om ekonomisk brottslighet. En översikt* [Research into economic crime. A review.] (Korsell et al.,

3 The work of the SØK is described *inter alia* in the publication: *Förebygga ekobrott. Behov och metoder. [Preventing economic crime. Needs and methods.]* National Council for Crime Prevention (BRÅ) Report 2003:1.



1999) was the result of a seminar attended by economic crime researchers. A further seminar was arranged in collaboration with the University of Göteborg in which a number of international researchers also participated. The presentations and articles from this seminar have been collected in the anthology *White-Collar Crime Research. Old Views and Future Potentials. Lectures and Papers from a Scandinavian Seminar* (Lindgren et al. 2001).

One of the National Council's most important tasks is that of disseminating research findings to the justice system and to agencies with a control and supervisory function. The publication of reports is therefore combined with seminars and news conferences and with articles published in the Council's own journal *Apropå*. Target group seminars have also been arranged in Stockholm in connection with the publication of reports containing research findings. On a number of occasions, similar seminars have also been organised in Göteborg and Malmö in collaboration with regional agencies. The objective of these seminars is to create a meeting place for researchers and practitioners. A practitioner attending the conference has therefore often been assigned the role of discussant for the report. Discussants have been drawn from amongst other places the National Criminal Investigation Department (*Rikskriminalpolisen*), the Financial Police (*Finanspolisen*), the Financial Supervisory Agency, the county administrative boards, the Economic Crimes Bureau and the National Tax Board, as well as from the National Tax Board's tax crime units.

“...many cases of insurance fraud could be prevented if only the private insurance companies and the social insurance offices would collaborate more...”

How do we count economic offences?

One of the important results produced by research into economic crime is that we have to become as good at measuring economic offending as we are at measuring traditional forms of crime. Martin Bergqvist's (2002) doctoral research project, the results from part of which have been presented in the publication *Ekobrott. – Något att räkna med?* [Economic crime. – Something to count on?], focuses on the question of how economic crime might be measured. Questions are often posed as to the extent of economic crime and whether it is increasing or decreasing. In many cases, some form of control is required in order to detect economic offences, since these are not directed at individual victims who would be able to report them to the police. In order to detect tax and accounting offences, for example, controls have to be conducted of tax returns and accounts respectively. Since crime statistics in the area of economic crime effectively only show the level of resources a society devotes to the detection of economic offences, by means of tax audits and bankruptcy investigations for example, these statistics do not reflect actual crime trends in this area. Similar problems of measurement exist in other areas, such as in relation to crimes of violence between friends or relatives, for example, sexual offences committed by a perpetrator known to the victim, and drug offences. Martin Bergqvist therefore examines alternative sources of information such as victim surveys, and in the area of tax offending, macro-economic calculations of the level of tax evasion.

Hazel Croall's (2004) report, *Lurad och förgiftad* [Duped and poisoned], also discusses the need to measure economic crime and the possibilities for doing so. Even if our current level of knowledge does not allow us to calculate the exact costs associated with economic crime,



A large number of improprieties were uncovered in the wake of all the bankruptcies at the beginning of the 1990s. In 1995 the Government formulated a strategy against economic crime.



PHOTOGRAPH: ROBERT EKEGREN / EKEGREN.SE

many researchers argue that these costs are probably greater than those associated with traditional crime. As is clarified by Hazel Croall, from an economic standpoint, the victims of serious fraud often lose more than the victims of burglaries and thefts. To this may be added physical injuries such as the deaths and injuries that occur in the workplace.

### Ordinary people fall victim to economic offences

The illumination of the question of exposure to crime gives rise to important questions related to such issues as concerns for safety in society and crime prevention work. In the report *Lurad och förgiftad*, Hazel Croall (2004) argues that economic offences affect people who have already been exposed to high levels of traditional crime, and that their lives are affected in similar ways. A great deal of the general and political response to crime is nonetheless focused on various aspects of traditional offending, such as youth crime for example. A large proportion of this type of crime is of a less serious character, however, and involves disruptive conduct, vandalism and antisocial behaviour. In this respect, the activities of companies that produce various forms of pollution, including noise pollution, and that threaten the sense of well-being at the local level, may also be viewed as disruptive and disturbing.

In addition, studies that examine the effects on society of certain forms of traditional crime can also focus on the effects of economic offending. Door-to-door salesmen, unprincipled building contractors and conmen could be included in general discussions of the effects of crime on the local community. Environmental crimes and other offences that constitute a threat to the quality of life may be categorised as equivalent to these types of crime. Other studies could attempt to conduct systematic comparisons of the costs of economic crime with those of traditional crime, and to produce more exact estimates of the costs to individuals caused by corruption and unpaid tax.

### The half-yearly account

Up to now, a number of general questions have been raised such as the types of offending that may be regarded as economic crime, how such crimes may be measured and who is affected by them. In the following, the presentation will become more detailed, focusing for example on specific areas of economic crime and who it is that commits these offences.

#### “Have you been out shopping, Jacob?”

In a doctoral thesis entitled *”Har du varit ute och shoppat, Jacob?” – En studie av Finansinspektionens utredning av insiderbrott under 1990-talet* [“Have you been out shopping, Jacob” – A study of the Financial Supervisory Agency’s investigation of insider-trading offences during the 1990s], Erik Wesser (2001), from the Department of Sociology at the University of Lund, examines all 344 investigations into insider trading conducted during the period 1991–1999. Of these, 27 investigations were passed on to the prosecutor, who decided to prosecute in eight cases, of which six led to a guilty verdict in court.

Erik Wesser argues that even if the stock market has been deregulated, the legislation that remains in this area has paradoxically become more complex.

The various actors involved, such as the Financial Supervisory Agency and the Stockholm stock exchange, do not have clearly defined areas of responsibility. According to Erik Wesser, priorities also differ. The stock exchange monitors stock trading and is obliged to report suspected offences to the Financial Supervisory Agency, but this latter body does not prioritise these cases, instead focusing on investigations that the agency has itself initiated or that are based on tip-offs. For prosecutors, insider-trading offences constitute only one among many different economic offences, and one which in addition lacks a clearly definable victim, and the sums involved in such offences are often lower than those associated with other forms of economic crime. Thus prosecutors cannot be said to prioritise insider-trading offences. For the Financial Supervisory Agency, however, in its capacity as a monitoring agency, cases of insider trading may serve as an indicator of structural or organisational problems of a much broader scope than the isolated offence itself. These are some of the issues discussed by Erik Wesser in his thesis.

### Talking of bribes

The general perception of Sweden is that we are a country that has been spared from problems related to corruption. We would like to believe that we are more honest than other nationalities. We carry with us a tradition characterised by a large freeholding peasantry, a long tradition of public service carried out by independent agencies, the principle of open government, the oldest freedom of the press act in the world, and a welfare policy that in the political rhetoric of the past had the objective of creating a *folkhem* or “home of the people”. Over recent years, however, our self-image has been subject to a number of fairly massive shocks. In the shipping company *Gotlandsbolaget*, a multimillion kronor bribery scandal was exposed. Major Swedish companies have become involved in criminal investigations into tax offences, bribery offences and other forms of irregular activity.



“It was like a drug, you were like dependant on the kicks. The sums involved were completely surreal, but you quickly lose all sense of the speed you’re travelling at.”





- 4 Several researchers at the University of Lund are collaborating on studies into corruption. Joakim Thelander, from the Department of Sociology, is conducting research into Swedish aid workers experiences of bribery, and Steven Sampson, at the Department's anthropological section is researching the anti-corruption movement, including organisations such as amongst others Transparency International. David Wästerfors (2004) recently presented a doctoral thesis entitled *Berättelser om Mutor, det korruptas betydelse bland svenska affärsmän i öst- och centraleuropa*, [Narratives about bribes, the significance of corruption among Swedish businessmen in eastern and central Europe].

The National Council for Crime Prevention is supporting a research project at the Department of Sociology at the University of Lund that focuses on corruption within the business community. In a paper included in the anthology *Förebyggande metoder mot ekobrott* [Preventive methods against economic crime] (BRÅ, 2003), Katarina Jacobsson and David Wästerfors write that the problem with bribery is that acts which are corrupt in a legal sense, may in everyday terms be described as quite irreproachable. Instead of using concepts such as bribery, corruption and the use of slush funds, these activities are referred to using terms such as “commissions, consultancy fees, gifts, excursions, and hospitality”. Bribes can often be described as being closely related to circles of acquaintances or hospitality. They can also be described in terms of gratitude or as culture and customary practice. According to Katarina Jacobsson and David Wästerfors, this grey area between the permissible and crime leads to a situation where perpetrators of corruption are often able to find excuses for their behaviour, which in turn serves to sustain the continued commission of this form of crime.<sup>4</sup>

### The significance of grey areas

Antoinette Hetzler (2003), from the Department of Sociology at the University of Lund, is another researcher who has emphasised the significance of grey areas for the explanation of economic crime. Hetzler has studied the financial markets and found that abuses of these markets are characterised by the fact that they take place within the grey area between the legal and the illegal. One could also say that grey-area behaviours are characterised by the way in which they involve acting in breach of the spirit of the law, whilst it can be difficult to show that they involve breaches of the letter of the law. Antoinette Hetzler's characterisation of the economic crime problem as largely involving this particular dilemma hits the nail on the head. Economic offences cannot be combated as successfully as traditional crime by means of regulations based on criminal law. Economic crimes are not only difficult to detect. They also take place within a grey area and are therefore difficult to prove. Even if many would perceive a particular form of behaviour as being inappropriate, the criminal law requires a crime to be provable.

Antoinette Hetzler argues that it is not enough to concentrate either on self-regulation or criminal law based solutions. A strong administrative supervisory agency is required that has access to a comprehensive arsenal of sanctions and other coercive legal measures. Thus Hetzler argues that both tough measures and somewhat softer approaches are required to reduce market abuses.

Samuel Cavallin (2002), of the University of Lund, has also studied the regulation of financial markets and focuses on the significance of grey areas from a different standpoint to that employed by Antoinette Hetzler. There is a regulation relating to improperly influencing prices on a market which focuses on measures that are in themselves legitimate, but where these measures are taken in order to achieve inappropriate ends, namely to make a profit out of the system. Samuel Cavallin argues that the legislator is here attempting to get at a grey-area behaviour by means of introducing the legal condition of “inappropriate ends”. He argues that this penal provision is empty of content since what is improper on the capital market is not generally known.

### Organised crime – loose connections or stable networks?

Stated in a somewhat simplified fashion, economic crime comprises offences committed within the context of legal enterprises, whereas in the case of organised crime it is the enterprise itself that is criminal, as in the case of smuggling for example. This picture serves to strengthen the perception that economic offenders are at heart “good people” whereas organised criminals are “bad people”. In actual fact, there are a number of ways in which economic and organised crime are similar and where they overlap one another (Ruggiero, 1996). At the Law Faculty of the University of Lund, Helén Örnemark Hansen and Malin Sjöstrand are engaged in a project on the relationship between economic and organised crime.

In the report, *Organiserad brottslighet – lösa maskor eller fasta nätverk* [Organised crime – loose connections or stable networks] (Korsell et al., 2002), published by the National Council, a large number of researchers contribute to providing a general overview of the situation in Sweden. Those included in the report include Per Ole Träskman, Helén Örnemark Hansen, Malin Sjöstrand, Lars Olsson, Per Samuelsson, Fredrik Andersson and Christoffer Wong from the University of Lund, Hans Andersson and Bill Sund from the University of Stockholm, Tage Alalehto from the University of Umeå, Ulf Rönndahl from the insurance company If and Lars Korsell from the National Council for Crime Prevention.

The report concludes that organised crime involves networks of actors who work together to commit offences. For the most part these offences involve the smuggling of drugs, alcohol, tobacco and doping agents, as well as organised thefts, and the trade in women and arms. Organised crime may also be focused on economic offences such as tax crimes, trading with shell companies, the use of black-market labour and frauds.

In summary, we have a reasonable knowledge of a number of central aspects of economic crime, particularly in the area of tax offences, whereas our knowledge of organised crime is weaker. The National Council for Crime Prevention intends, however, to initiate a number of projects in order to examine how organised crime works. One of these projects will focus on the organisation of drug crime. Those working in the project are Lars Korsell, Anita Heber and Daniel Vesterhav from the National Council, Bill Sund and Lotta Björklund Larsen from the University of Stockholm and Carina Gunnarson from Uppsala University.

### The insurance sector – a new crime scene

A number of systematic frauds have recently been uncovered against public and private insurance policies (Korsell et al., 2002). For the most part these have involved health and accident insurance. By staging road accidents, large insurance payouts can be diverted into the pockets of criminals. One case in southern Sweden comprised 33 staged road accidents involving 70 people. Other offences in this area include car insurance frauds and other crimes that are financed by insurance payouts such as smuggling operations.

The Swedish Insurance Federation (*Försäkringsförbundet*), which represents Sweden’s private insurance companies, the National Social Insurance Board (*Riksförsäkringsverket*), which is responsible for social



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*“..many insurance offences could be prevented if the level of collaboration between the private insurance companies and the social insurance offices could be improved.”*





insurance, the Law Faculty at the University of Lund and the National Council for Crime Prevention have initiated a research project that focuses on the relationship between frauds perpetrated against social insurance on the one hand and private insurance on the other. A report written by Helén Örnemark Hansen, Per Ole Träskman, Fredrik Andersson, Anette Ohlsson, Lars Korsell and Monika Karlsson is expected in 2005. The report will also present methods to combat such frauds. One of the central ideas underlying the project is that many offences could be prevented if the level of collaboration between the private insurance companies and the social insurance offices could be improved, since the perpetrators make use of the one insurance system in order to exploit the other.

#### Who commits economic offences?

Up to now a number of different types of economic crime have been discussed and the question now is which individuals engage in these forms of activity. The review of the international literature on economic crime *Från småfiffel till storsvindel* [From major swindles to minor fiddles], describes the state of the knowledge as to the characteristics of those who engage in economic crime (Lindgren & Theanderson, 2000). One comprehensive American study shows that as a group, economic offenders differ from those involved in traditional crime in that a smaller proportion are unemployed and a higher proportion are salaried employees and well-educated (Wheeler et al. 1991). These are also the types of individual who have the opportunity to commit offences, by virtue of having a certain position within companies that provides access to payment orders, order forms, accounting systems and so forth. Thus it is not only high-status individuals and true white-collar criminals that are detected and convicted of economic crime but rather the majority are drawn from the broad middle classes. The same conclusions have been drawn in a report produced by the National Council (Ring, 2003). Those convicted of the most sophisticated and organisationally complex crimes are drawn from a higher social stratum however. It is important to note that society's agencies of control tend to uncover the less complex economic offences (Korsell, 2003). This selection then continues at the anti-crime agencies, who find it difficult to cope with the more complex and resource intensive offences. Studies based on offences that have been uncovered and have led to convictions are therefore associated with the disadvantage that they only focus on a distorted sample of the offences that are committed.

One Swedish researcher who has emphasised the significance of personality for the commission of economic offences is Tage Alalehto (2002). In *Fifflarens personlighet. En studie om personlighetsdragets betydelse vid ekonomisk brottslighet* [The cheat's personality. A study of the significance of personality characteristics for economic crime] he presents interviews conducted with businessmen and distinguishes three personality types among economic offenders.

*The positively extrovert* would "... love to fly high, shine... and... appear in business journals ..." (p. 62). The positively extrovert type is an egotist. He wants to maintain good social relations with his business partners. This is a person with a propensity to rationalise, who can take offence at the dishonest competitive practices of others at the

*"It is not only high-status individuals and true white-collar criminals that are detected and convicted, but instead the majority are drawn from the broad middle classes."*

Following 11th September 2001, the level of financial insecurity in the world has increased, and in line with this so has interest in a more established regulatory framework.



PHOTOGRAPH: BJÖRN OLSSON / PRESENS BILD

same time as he commits the same type of offences himself. He can also blame his offending on external circumstances that “force” him to break the law. At the same time he is somewhat adventurous and gets a kick out of testing the limits and the ability of the authorities to detect crime.

*The non-helpful economic offender* is socially incompetent, but technically gifted. He is a narrow egotist and the only form of success that counts is earning money. He lacks role models in the business world and functions as a lone wolf.

The activities of *the neurotic economic offender* lack a clear focus, but his offences “simply happen”, when a customer wants to pay under the counter, for example. He lives in an unstable fashion, is unclear in his attitudes towards most things and “lacks backbone”.

Research into economic crime has also studied offenders on the basis of a gendered perspective. The review of international research shows that women are under-represented among economic offenders, in the same way as they are among those who commit traditional crimes (Lindgren & Theanderson, 2000). One important explanatory factor in this regard is found in the fact that women comprise a significantly smaller proportion of business owners than men, which results in a much smaller proportion of women appearing in statistics related to offences committed within the framework of legitimate business operations. Further, more men than women occupy the types of position within firms that provide the opportunities for certain types of economic crimes. By contrast, women often occupy positions that provide opportunities for the commission of embezzlement and fraud.

### Different causes of economic crime

The review of the international research literature on economic crime shows that economic offences in particular tend to be explained by reference to rational choice (Lindgren & Theanderson, 2000). This is in contrast to the situation associated with traditional crime, where

personality factors are often invoked in explanation (cf. Tage Alalehto above, however). The decision to commit economic offences is based on a rational determination, the outcome of which is affected by the costs and benefits associated with the act in question.

In the context of the international literature on economic crime Waring et al. (1995) have identified four categories of economic offenders: 1) crisis responders, 2) opportunity takers, 3) opportunity seekers and 4) deviance seekers. All the economic offenders studied by these authors had adopted the culturally sanctioned goal of economic success. They also found themselves in a situation where there were opportunities to commit crime, which they then exploited. *The crisis responders* are typically law-abiding individuals who choose to resort to crime in the context of a situation of crisis which may affect themselves, their families or the business. The *opportunity takers* are also normally law-abiding individuals, but these seize a golden opportunity to commit a crime if it should materialise. The *opportunity seekers* have a propensity to resort to illegitimate means because they perceive their legitimate counterparts as being too ineffective in the struggle to acquire wealth. They single-mindedly seek out activities that may provide them with success through the use of illegitimate means. The *deviance seekers* have a thoroughly negative attitude towards legitimate means and are therefore highly criminally active.

A classic study by Donald Cressey (1953) shows that three conditions have to be fulfilled for a person in a position of financial trust to commit an embezzlement offence. Firstly, the person must be experiencing financial problems that he or she feels unable to discuss with others, problems that are linked to either the search for or attempts to maintain status. Such problems are often grounded in personal failures, such as failed investments or gambling debts. Secondly, the person must not only have the opportunity to embezzle but also knowledge as to how to do so. Thirdly, the person must be able to justify his illegal behaviour to him- or herself by means of rationalisations, which might take the form that the money is just a loan, for example, or that the offence does not negatively affect anyone who is poor. By means of these rationalisations the person is able to cope with the tension or antagonism between the illegal act and societal norms. In spite of the crime, the person can still regard him-/herself as an honest individual. Such rationalisations are particularly easy to formulate in relation to bribery offences (cf. Katarina Jacobsson and David Wästerfor's project on corruption).

*“Women are under-represented among economic offenders in the same way as they are among traditional offenders.”*

5 Oskar Engdahl is currently continuing his research with funding from the Swedish Research Council (Vetenskapsrådet). This project is entitled "Finansiella mellanhänder och ekonomisk brottslighet" [Financial middle-men and economic crime].

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### Tax havens

Oskar Engdahl's (2003) doctoral thesis, entitled *I finansvärldens bakre regioner. En studie om finansiella offshoremarknader och ekonomisk brottslighet* [In the rear regions of the financial world. A study of offshore financial markets and economic crime] examines tax havens and various hives of Swedish economic criminal activity that have been linked with these.<sup>5</sup> Oskar Engdahl has published a more popularised version of his thesis (2004) and has previously also published a survey of tax havens in a report published by the National Council for Crime Prevention, *Finansiella offshore-marknader och skatteparadis* [Offshore financial markets and tax havens] (2000). In the introduction to this survey Jan Franke, formerly President of the Swedish Administrative

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Court of Appeal in Jönköping, writes about the OECD's work against the tax havens.

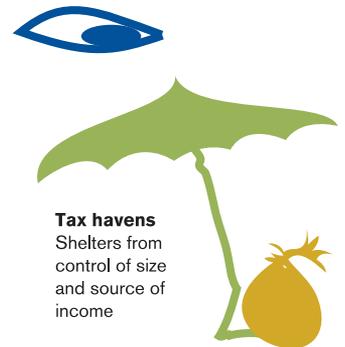
In his thesis, Oskar Engdahl describes how a Swedish ice-hockey club had its players employed by a company registered in a tax haven called Turks & Caicos. The company had a façade address (in the form of a brass plate) in London. There were bank accounts in Luxembourg and on Gibraltar. The club had entered wages in its books as "signing fees", "consultancy fees", and "scouting agreements". The objective was to avoid paying employers' duties and tax in Sweden. The club fell into a trap of its own making, however, by losing large sums on options deals made using the club's money by the individual who had organised the scam.

Oskar Engdahl argues that the rise of tax havens over recent decades may possibly be a sign of a "revolt of the elite", by contrast with the "revolt of the masses" during the early decades of the twentieth century when the struggle for democracy, welfare and democratic influence was in focus. The elite has devoted less interest to demonstrations and more to using money as a means to buy oneself freedom from taxation and other obligations associated with membership of a democratic society. For certain individuals, tax havens also constitute a place of sanctuary in relation to public sector agencies' attempts to monitor how money has been acquired. This is true in relation both to undeclared money associated with tax offences, and criminal earnings from the drug trade for example. The inability to monitor business conducted in tax havens may also be used to build up a façade that does not reflect reality, as in the case of a company presenting itself as being more financially sound than it actually is. Façades of this kind are not uncommon in the context of fraud networks.

As has been mentioned earlier, as a result of the economic crises experienced during the 1990s and even more as a result of the events of 9/11, central government has emphasised the importance of market regulation. The result has been that the international community, as represented by the OECD, the G7 group, FATF and FSF<sup>6</sup> have become increasingly interested in tax havens. The current trend is towards an increase in the level of regulation of such havens.

### "Just in time"

Economic crime is found in all areas of the business community, but certain sectors are more prone than others. Lotta Pettersson, of the Department of Criminology at the University of Stockholm, and Vanja Lundgren of the corresponding department in Oslo (2002), have studied economic offending in the road haulage industry. In a report published by the National Council for Crime Prevention under the title, *Just in time. Ekobrottsligheten inom svensk och norsk långtradartransport* [Just in time. Economic crime in the road haulage industries of Sweden and Norway], they describe the structural problems that serve to explain the offences that take place in this sector. In connection with the publication of this report, the long-distance lorry driver and author of the much discussed novel *Truck stop* (1999), described the current situation in the industry in the National Council's journal *Apropå* (Ericsson, 2002).



<sup>6</sup> OECD (Organisation for Economic Co-operation and Development), FATF (Financial Action Task Force on Money Laundering), G7 (Group of Seven) and FSF (Financial Stability Forum).

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“Insurance companies! Everyone knows they only pay out half, so you have to spice it up a bit.”

“Being managing director involves a lot of responsibility. One must be compensated for this.”



According to Lotta Pettersson and Vanja Lundgren, lorry drivers and hauliers are characterised by a lack of independence, and are governed to a large extent by the demands of the client. It is difficult, for example, to control the length of the working day. Rules are broken in order to get the job done. These days, a truck transport is a warehouse on wheels that passes along a chain of suppliers, carriers and producers whose collaboration must function to ensure that the stock can be delivered “just in time”. When problems arise, it is often the individual drivers who suffer, since it is down to them to find a resolution, which not uncommonly involves breaking the rules.

The haulage industry is comprised of a large number of small firms. Competition is intense and in order to survive, the owners are forced to take legal short-cuts. Over recent years, hauliers have also faced competition from countries on the continent, where the duties paid by businesses are less burdensome than they are in Sweden. Since the publication of this report, the situation appears to have deteriorated further. At the moment extensive criminal investigations are underway in western Sweden, where staffing agencies have introduced a system whereby drivers are employed via sub-contractors, with the drivers themselves formally being employed by firms registered in the tax haven of the Isle of Man (Düsing, 2004). In this way, ordinary drivers have avoided paying tax, and their employers have failed to pay employers’ duties. At bottom this system is more or less identical with that described by Oskar Engdahl (2003) in his thesis on tax havens, with ice-hockey players simply being replaced by lorry drivers.

Lotta Pettersson and Vanja Lundgren describe the existence of examples of attempts to bring about change from within the haulage industry itself. Public sector agencies receive tip-offs when someone goes too far. Actors who employ unfair means of competition and who neglect safety considerations seldom survive very long in the industry.

Another research project focusing on cross-border issues is that of Anna K. Hansson of the Jönköping International Business School, whose work relates to offences discovered and reported by the customs service. Hansson’s work charts frauds conducted in connection with cross-border trade. The study focuses on companies that import goods from countries outside of the European Union, and which report incorrect information in their customs declarations in order to reduce or eliminate charges, taxes and duties. A report is planned for publication during the course of 2005. The research not only involves presenting an overview of these frauds, but also explaining which factors make these offences possible, such as inadequate controls and powerful financial motives on the part of the businessmen involved. Another important factor in the explanation of these offences is that the customs officials do not always view them as “real” crimes.

### Obstacles and opportunities

In a report from the National Council for Crime prevention entitled *Miljöstraffrätt i praktiken. En studie av rättstillämpning* [Environmental criminal law in practice. A study of how the legislation is applied], Helena du Rées (2002) of the Department of Criminology at the University of Stockholm, describes the functioning of the work to combat environmental crime. The use of criminal law to control this area is based on the general preventive ideal, whereby sanctions are intended

*“The decision to commit economic offences is based on a rational determination, the outcome of which is affected by the costs and benefits associated with the act in question.”*



to deter others from committing offences. For general prevention to work, the agencies responsible for monitoring the area, and for combating crime, must be aware of the relevant regulations, there must be a certain likelihood that offences will result in sanctions, and those convicted of offences must be awarded sanctions which are sufficiently harsh to deter others.

The study conducted by Helena du Rées shows that the majority of those working with environmental offences within the supervisory agencies, the police and the prosecution service receive special training in environmental crime and have a long professional experience within this area. The risk of detection has a major impact on the likelihood that an offence will result in a sanction. The supervisory agencies are those who first and foremost detect and report environmental offences. Environmental crimes are difficult to detect, not least because few monitoring visits are made by the supervisory agencies involved. Further, not all suspected offences are reported, and of those that are, only slightly over one in ten result in a prosecution. This means that the likelihood of environmental crimes resulting in a sanction is low. Few individuals are convicted of environmental offences, and the sanctions awarded are rarely particularly harsh, as a rule taking the form of a relatively low number of day-fines.

In her doctoral thesis, *Miljöbrott, myndighet och marknad. En studie om miljöstraffrätt och allmänprevention* [Environmental crime, control agencies and the market: A study of environmental penal law and general prevention] Helena du Rées (2004) has also interviewed representatives from various companies involved in activities that have an impact on the environment. According to these, the causes of environmental crime are not purely economic but are also related to laziness and ignorance. The business community regards economic meas-

The large bonuses taken out by the directors of the international engineering firm ABB and the insurance company Skandia not only affect the companies themselves and their shareholders but also society at large. The Government Inquiry into Business Confidence has recently formulated proposals as to how excessive compensation of this kind might be prevented in the future.



PHOTOGRAPH: JACK MIKRUT / PRESENS BILD



ures to constitute the most effective means of control, followed by legal requirements and penal or other sanctions. Those companies that have most invested in environmental goodwill and who thus have good relations with supervisory agencies, employees, collaborative partners, clients and consumers, also have the most to lose by becoming the objects of suspicions and investigations relating to environmental crime. The greatest penalty is that of losing one's good name in relation to the surrounding world, where demands for "sustainable development" are of fundamental importance.

### Measures to combat economic crime

Carina Pettersson's (2001) doctoral thesis on the practical work being conducted to combat environmental offending, *Reglering och kontroll av miljöstörande verksamhet* [Regulation and control of environmentally harmful activities], discusses the inadequacies of the existing legislation and implementational practices. Parts of the thesis have been summarised in a report published by the National Council for Crime Prevention under the title *Miljödriven utveckling – på gott och ont?* [Environmental improvement – for better or worse?] (Pettersson, 2001a). One of the problems identified by Carina Pettersson is that the environmental demands made by the agencies involved, relating for example to permitted levels of emissions, are not distributed fairly across different businesses. This is because the agencies are dependant on information from the individual firms in order to assess the nature of the requirements to be made. The technical ability of each individual firm to meet various environmental requirements, as well as the assessments made within the company as to what it is possible to achieve, will affect the requirements that are eventually formulated by the control agencies. As a result, differences arise between the requirements public sector agencies place on companies with similar operations. Another consequence of this variance in the requirements placed on different operations is that there is no real agreement as to what at bottom actually constitutes a crime. Carina Pettersson proposes therefore inter alia that a common, uniform model be formulated for the assessment of permit cases. In this way, levels of fairness in relation to different companies would be improved. It is reasonable to suppose that this would also serve to improve levels of confidence in the environmental legislation, which would in turn lead to an increase in the companies' willingness to abide by the legislation on a voluntary basis.

Preventive measures have also been discussed in the area of corruption. In a paper published in the anthology *Förebyggande metoder mot ekobrott* [Preventive methods against economic crime] (BRÅ, 2003), Katarina Jacobsson and David Wästerfors advocate calling bribes by their correct name as a means of working to prevent corruption.

As has been mentioned, the problem with bribes is that they are allowed to be described in a way that suggests they belong to the same family as gifts, hospitality and other social phenomena. One option would be to identify and examine established methods and formulations that may serve to motivate, excuse and justify bribes. Instead of attempting to equate bribes with what is socially acceptable, efforts should be made to distinguish them from behaviours that are regarded as legitimate.

A society deals with the behaviours that it disapproves of most



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strongly by punishing them. Assigning criminal responsibility to certain categories of behaviour thus involves sending a clear signal. One problem with economic offences, however, is that many of these are committed in the interests of the company. It may then be appropriate to punish both the company and the persons who have actually committed the offence (Korsell, 2004). In Sweden, however, legal persons do not bear criminal liability. Instead a company may be forced to pay company fines, which are not formally a criminal sanction and which are furthermore rarely imposed. Sverker Jönsson, of the Department of Law at the University of Lund, will soon be presenting his doctoral thesis with the working title *Modern brottslighet och straffansvar för juridiska personer* [Modern crime and criminal responsibility for legal persons]. The thesis focuses on different arguments for the introduction of criminal liability for legal persons and on how such liability would be constructed juridically.

Economic offences are difficult to detect and there will never be sufficient resources available to detect and prosecute more than a small fraction of their actual number. It is therefore important that preventive measures are identified that ensure that companies work in accordance with existing regulations to an increasing extent. Both Carina Pettersson and Katarina Jacobsson and David Wästerfors have identified a number of such methods. A further important reason for increasing preventive efforts is that economic crime costs society many billions every year. In the area of taxation alone, unpaid taxes have been calculated to amount to over 100 billion SEK [approx. 11 billion Euro] per annum. There are also a number of other additional harms associated with economic crime. This is shown very clearly by the work of Hazel Croall (2004) presented above. Major benefits would thus accrue if economic crime could be prevented to a greater extent. However, the work of economic crime prevention is relatively underdeveloped by comparison with traditional crime prevention measures both in Sweden and internationally. Two reports have therefore been produced at the National Council for Crime prevention which focus directly on the prevention of economic crime.

The first of these – *Att förebygga fel och fusk. Metoder för reglering och kontroll* [Preventing cheats and fiddles. Methods for regulation and control] (Korsell & Nilsson, 2003) – focuses on how the government and parliament may better prevent economic crime, and steer the work of public centre agencies so that they too prevent crime, by working with legislation in a more structured fashion. One important element of the work of the government is to demand information on the nature of the crime problem in different areas. Without knowledge of this kind, it will not be possible to formulate relevant measures, either with regard to legislation or the distribution of resources. The book also addresses itself to all the agencies with supervisory or control functions, from social insurance offices to environmental offices. The task for these is to suppress fiddles and cheats by means of a combination of service provision and control.

The second report – *Förebygga ekobrott. Behov och metoder* [Preventing economic crime. Needs and methods] (BRÅ, 2003) – addresses itself to the anti-crime agencies, such as the police, prosecutors, the Economic Crimes Bureau and the tax crime units. The report was produced as a result of the Government having commissioned the National Council to formulate economic crime prevention methods.

“...research into economic crime has a respectfully broad focus and it is important that the areas that have emerged are developed further.”





PHOTOGRAPH: JACK MIKRUT / PRESSENS BILD

A well-known Swedish ice-hockey club had players employed in a company registered in the tax haven Turks & Caicos in order to avoid paying employers' duties and taxes in Sweden. Over recent years, the international community, represented by the OECD, the G7 group, FATF and FSF, have shown an increasing amount of interest in tax havens.

Amongst other things, the report contains a substantial number of preventive methods structured in accordance with a model that is usually employed in connection with the prevention of traditional crime (situational crime prevention). According to this report, the anti-crime agencies find it difficult to prevent economic crime because they are located too far away from the situations where these offences are committed. As a rule, the anti-crime agencies do not enter the picture until after a crime has been committed and reported. Those who have the best opportunities to prevent these crimes are the control- and supervisory agencies and all the other bodies that companies come into contact with on a daily basis, such as creditors, for example, trade unions and suppliers. The anti-crime agencies do however possess a lot of knowledge about economic crime. By systematising this knowledge these agencies can influence other actors, located closer to the situations where crime may be prevented.

One stage of the work carried out in connection with the governmental commission to formulate economic crime prevention methods involved the conduct of a comprehensive questionnaire survey of persons working as amongst other things official receivers, tax auditors, enforcement service officers, tax crime investigators, police and prosecutors. The findings from this survey have been presented in a report from the National Council (BRÅ, 2003a) and in a paper focusing on prevention methods (Canow, 2003).

As can be seen from the handbook *Att förebygga fel och fusk. Metoder för reglering och kontroll* (Korsell & Nilsson, 2003), legislation constitutes one effective method of crime prevention, if it is used to make it more difficult or risky to commit offences, for example.



One piece of economic crime prevention legislation was introduced in 1999 when company auditors became obliged to report suspected economic offences discovered in the course of auditing activities to the prosecutor. Bengt Larsson (2004), of the Department of Sociology at the University of Göteborg, has evaluated this obligation to report offences in a report published by the National Council under the title *Revisorernas anmälningskyldighet* [The auditors' obligation to report]. Bengt Larsson (2001) had previously studied the Swedish bank crisis of the early 1990s.

Bengt Larsson's report shows that auditors had previously been quite negative in relation to the obligation to report. This was because it was felt this would serve to make cooperation between auditor and client more difficult, since this builds on a relationship of trust. The auditors did not want to see themselves as a form of "accounting police". As a consequence, the auditors report relatively few offences. It is only when they are more or less completely certain that an offence has been committed that they make a report, despite the fact that the level of suspicion associated with the obligation to report is very low. The auditors' scepticism towards the legislation has diminished, however, now that they have been living with the obligation to report for some time.

Lars Korsell's foreword to the report by Bengt Larsson assesses the greatest preventive affect associated with the obligation to report to lie not in the fact that the auditors actually report offences, but rather that they have been given more power in relation to their clients. With the legislation behind them, it is easier for the auditors to "have serious words" with their clients, which ought to produce a greater level of law-abidance within businesses in the future.

The handbook *Att förebygga fel och fusk. Metoder för reglering och kontroll* (Korsell & Nilsson, 2003) also indicates that both kid-glove methods, such as service and information provision, and big-stick measures such as monitoring and control, constitute important tools for public sector agencies in their work to increase levels of obedience to the law among individuals and companies. The handbook discusses where and how it is appropriate to use these methods towards this end. Similar issues are also discussed in an expert's report to the Government Inquiry into Business Confidence (Korsell, 2004). The ways in which the National Tax Board should organise its control measures are discussed in an expert's report to the governmental Tax-base Inquiry (Korsell, 2002).

As has been mentioned above, the heads of the collaborating agencies involved in the Economic Crime Council have taken the initiative to increase preventive efforts by reviewing, documenting and disseminating the state of the knowledge in this area in the anthology *Förebyggande metoder mot ekobrott* [Preventive methods against economic crime] (BRÅ, 2003). In the foreword to this anthology, the former Prosecutor General, currently head of the Swedish Security Police, Klas Bergenstrand, writes that society has worked with preventive measures to combat traditional crime for several decades, but that we are beginners in this regard in relation to economic crime. We must therefore work to develop knowledge in the area of economic crime prevention.





PHOTOGRAPH: ROBERT EKEGREN / EKEGRENSE

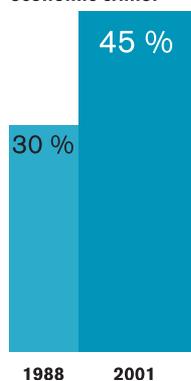
“Bribe? No, this should be viewed as  
a case of common hospitality.”



### The sooner the better?

We often talk about things having been better in the ‘good old days’, and ‘the sooner the better’ is also a common maxim. There is probably a “public” perception that crime is continuously on the increase, and that we are becoming more and more dishonest. This perception is contradicted by the findings from a recently published study. In 1988, the National Council for Crime Prevention commissioned Sören Wibe (1990), who is currently working at the Swedish University of Agricultural Sciences in Umeå, to conduct a large-scale questionnaire survey in order to capture attitudes towards economic crime. Thirteen years later, Sören Wibe (2003) replicated this study in order to see whether any changes had taken place. This study shows inter alia that the public today want more resources to be devoted to combating “minor fiddles in tax returns”. Forty-five per cent would like the resources devoted to this to be increased, by comparison with 30 per cent in 1988. A larger proportion (30 per cent) than in 1988 (21 per cent) are prepared to devote 100 million SEK (approx. 11 million Euro) to combating fiddles of this kind, even if it only produced an increase in tax revenues equivalent to 50 million SEK and thus resulted in a net loss to the treasury. These findings indicate that the public today are more inclined to accept increased controls of tax returns as a part of the battle against economic crime. A larger number than previously also wanted to increase efforts to combat economic crime.

Yes to increased resources dedicated to fighting economic crime!



Publication from the Swedish National Council for Crime Prevention.



On the basis of the results in total, Sören Wibe concludes that the public today have a less tolerant attitude towards economic crime. An alternative way of expressing this would be to say that there has been an improvement in the tax-ethic. Sören Wibe has also presented his observations in an interview for the National Council’s journal *Apropå* (Haider, 2003). Lars Korsell (2003) discusses the study in another article in the same journal under the title “Det var inte bättre förr” [Things weren’t better in the good old days]. The findings of the study directly contradict the general perception that things are just getting worse and worse.

### Conclusions

An important part of the task of the National Council for Crime Prevention has been to increase the level of interaction and exchange between economic crime researchers and to improve the available knowledge on the state of the international research in this area. Seminars and reviews have played an important role in this context. The National Council has organised a large number of seminars, not least seminars that have facilitated meetings between researchers and practitioners. As has been mentioned, the National Council has also published two reviews of existing research, the one focused on Scandinavian and the other on international research.

If we look to the content of research into economic crime, the old discussion as to what actually constitutes economic crime has continued to leave its mark on recent economic crime research. Even though no new or clarificatory definitions have been introduced, this concept and the types of crime associated with it have been illuminated in a fairly comprehensive fashion. The problem probably lies in the concept of economic crime itself, and in the needs associated with the definition of this phenomenon. As has been mentioned, the concept may be

employed to describe the crimes committed by high-status individuals. One problem, however, is that the majority of economic offences that are detected, reported and successfully prosecuted are committed by persons from the middle, or lower-middle class. Another option is to focus on the acts themselves, which involve someone acting in breach of trust, since the offences are committed by persons who have been entrusted with a certain position, to take care of another's investments, to look after others' property etc.

One compromise would be to proceed on the basis of offences that are committed within the framework of an organisation, typically a business, and to distinguish between offences that are committed in the company's interest (corporate crime) and those committed by someone within the company (occupational crime), which are often directed against the employer.

It is interesting to note that economic crime emerged as a strategic issue at the national level in several Nordic countries simultaneously during the 1990s. Today we may expect a great many changes on the part of governments as a result of the events of 9/11 and the major accounting scandals witnessed in the USA. These scandals were one of the direct reasons for the establishment of the Government Inquiry into Business Confidence (Dir. 2002:115), whose brief has been the subject of a good deal of discussion as a result of a number of domestic "affairs" (SOU 2004:47). The National Council for Crime Prevention is contributing an expert's report to the final report to be submitted by the Government Inquiry into Business Confidence (Korsell, 2004).

The second half of this current document has presented a number of different themes for economic crime research. These have covered specific types of offences, the link with organised crime, the causes of economic crime, the characteristics of the offenders, the role of tax havens, how public sector agencies work to combat economic offending, and attitudes towards economic crime. These are themes that cannot be summarised more effectively than by saying that we are today much better equipped with knowledge than we were prior to the Government making special funding available specifically to finance research into economic crime. A substantial number of different methods have been used to illuminate economic offending from several different perspectives. At the same time, the review presented above shows that economic crime research has become respectfully broad and that it is important that areas that have emerged can be developed further.

Sören Wibe's questionnaire surveys (2003) show that a larger number of Swedes would now like to see society devote more resources to combating economic crime than was previously the case. This must also involve continuing to expand our knowledge on economic crime. For the National Council for Crime Prevention, it will mean developing the niche of economic crime prevention. In this regard, the National Council feels that there are good opportunities for achieving substantial results with relatively modest means. The reason for this is that changes in legislation and control that make these offences more difficult and increase the risk for detection may have a major effect on this type of crime. Whilst this paper has been given the title 'final account', let us instead view it rather as the product of a more transient, quarterly account, soon to be replaced by new research findings.

*"For the National Council for Crime Prevention, this will mean developing the niche of economic crime prevention. In this regard, we feel that there are good opportunities for achieving substantial results with relatively modest means."*



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