Convenience Triangle in White-Collar Crime: Case Studies of Relationships between Motive, Opportunity, and Willingness

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ABSTRACT

The purpose of this article is to illustrate the potential relationships between motives, opportunities, and willingness to commit financial crime by white-collar offenders. We apply the theory of convenience to study six cases that link three constructs concerned with white-collar crime. For example, a strong motive for illegal profit or a strong willingness to commit financial crime can lead to opportunity expansion in an organizational context. The theory of convenience suggests that financial crime is a convenient option for white-collar offenders when there is an economical motive, an organizational opportunity, and a personal willingness. Convenience is defined as taking the handiest or easiest way to achieve a goal. Convenience orientation is conceptualized as the value that individuals place on actions with inherent characteristics of saving time and effort as well as avoiding pain, suffering, and uncertainty. The theory of convenience has three dimensions: (1) a desire for financial gain based on threats and possibilities, (2) an organizational opportunity to commit and conceal financial crime, and (3) a personal willingness for deviant behavior.

Keywords: white-collar crime, case studies, convenience theory, convenience triangle, fraud, corruption.

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INTRODUCTION

The theory of convenience suggests that financial crime is a convenient option for white-collar offenders when there is an economical motive, an organizational opportunity, and a personal willingness (Gottschalk, 2017). Convenience is defined as taking the handiest or easiest way to achieve a goal. Convenience orientation is conceptualized as the value that individuals place on actions with inherent characteristics of saving time and effort as well as avoiding pain, suffering, and uncertainty (Mai and Olsen, 2016). The theory of convenience has three dimensions: (1) a desire for financial gain based on threats and possibilities, (2) an organizational opportunity to commit and conceal financial crime, and (3) a personal willingness for deviant behavior.

These three dimensions are linked in the convenience triangle that results in six relationships between constructs. In this article, we explore these six relationships in terms of case studies. We illustrate each relationship by the case of a privileged professional who committed and concealed financial crime in the course of his or her occupation in an organizational context. This research is important, as it illustrates the centrality of organizational opportunity in white-collar crime as emphasized by researchers such as Benson and Simpson (2015).

THE THEORY OF CONVENIENCE

Researchers have developed a number of explanations for the occurrence of fraud and corruption among the elite in society. Sutherland (1939) started out by differential association theory, where white-collar crime is explained by learning from others in such a way that offenders associate with other offenders and at the same time distance themselves from those
who are skeptical of their behavior. As listed in Table 1, Sutherland’s differential association theory can be classified into the behavioral dimension of convenience theory.

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Table 1 classifies a number of theories into three categories that are labeled economical, organizational, and behavioral dimension respectively. In the economical dimension, theories emphasize motives for white-collar crime, which can be both possibilities and threats. In the organizational dimension, theories emphasize opportunities for white-collar crime, which include both access to resources to commit crime and opportunity to conceal crime. In the

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Table 1 Supporting theories for the theory of convenience

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<td>Theory of power inequality (Patel and Cooper, 2014)</td>
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Table 1 Supporting theories for the theory of convenience

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behavioral dimension, theories emphasize willingness based on slippery slopes, lack of self-control, application of neutralization techniques, and other enablers for personal willingness. Table 1 starts by listing general perspectives on which convenience theory is based. In marketing, convenience stores have existed for a long time (Farquhar and Rowley, 2009). Conveniently oriented persons want to avoid discomfort (Carrington and Catasus, 2007). Table 1 is very busy and may seem confusing, but it does not assume that readers know all listed theories. The table serves the purpose of illustrating the variety of theories that can find links to dimensions in the theory of convenience. In the economical dimension of motives, greed (Goldstraw-White, 2012) and goal orientation (Jonnergård et al., 2010) stand out for occupational and corporate crime respectively, to enrich the person or the organization. In the organizational dimension of opportunity, agency (Eisenhardt, 1985) stands out as an explanation why a principal is unable to control an agent. In the behavioral dimension of willingness, neutralization (Sykes and Matza, 1957) and lack of self-control (Gottfredsson and Hirschi, 1990) stand out.

THE CONVENIENCE TRIANGLE

Similar to the fraud triangle, the convenience triangle emphasizes pressures and incentives, opportunities and prospects, and attitudes and rationalizations (Steinmeier, 2016). The theory of convenience expands the fraud triangle in two directions. First, the term convenience is introduced to emphasize the decision-making process among alternatives, where an illegal pathway in terms of fraud is only one out of several options for a potential offender. Second, the term opportunity is linked to an organizational context where a potential offender has legitimate access and can abuse position and trust to commit fraud.
The theory of convenience is a crime-as-choice theory where offenders have the option to choose legitimate rather than illegitimate paths to solve problems and gain from possibilities. Grabosky and Shover (2010) discuss how crime as a choice can be made less attractive compared to alternatives. They suggest that three target areas for policy initiatives stand out: (1) reducing the supply of lure, (2) increasing prevailing estimates of the credibility of external oversight, and (3) increasing the use of effective systems of internal oversight and self-restraint. In convenience terminology, all of these initiatives can be found in the organizational dimension: (1) less attractive opportunities for illegal gain, (2) increased risk of detection from outside the organization, and (3) increased risk of detection from inside the organization (Benson and Simpson, 2015; Gottschalk, 2017).

Figure 1 illustrates the convenience triangle for white-collar crime. There are three constructs and six relationships in the triangle. Each relationship represents a causal effect from one construct on the other construct.
The research method applied in this article is based on the case study approach. For each of
the six hypothesized relationships in Figure 1, an actual case of a convicted white-collar
offender is presented. Each case study is based on court documents, fraud examination
reports, and media coverage. These case studies do not confirm the research hypotheses as
such. Rather, they illustrate the potential causality that might be present between dimensions
in the theory of convenience.

CASE 1: MOTIVE ON OPPORTUNITY

Case 1 is concerned with opportunity expansion as a result of a stronger desire for illegal
profit to cover personal or organizational needs. Offenders have access to resources for
opportunity expansion. Over time, an offender can expand opportunities for white-collar
crime. Earlier research has emphasized that opportunity is dependent on the social capital
available to the criminal, as well as the structure and quality of social ties in hierarchical and
transactional relationships that shape opportunity structures (e.g., Adler and Kwon, 2002;
Pontell et al., 2014). In a dynamic perspective, an offender can improve the organizational
convenience of white-collar crime. We illustrate the dynamic perspective by the case of a
chief financial officer (CFO) in a Norwegian enterprise who was convicted of embezzlement
in the organization.

The district court in Gjøvik is located north of the capital Oslo in Norway. On August 8,
2014, district court judge Håkon Schei Mentzoni announced a verdict of 4 years and 6 months
in prison for the former CFO. The average prison sentence for white-collar criminals in
Norway is 2 years and 4 months, so the judge passed a severe sentence to the former CFO. He
was sentenced to pay back the embezzled amount of 18 million Norwegian kroner (about US $2.2 million) to his former employer HRB (Gjøvik tingrett, 2014).

The former CFO was divorced and had a strong desire to impress his children with cars, houses, and travels. He had a new girlfriend with whom he enjoyed expensive wine and restaurant visits. His income was not sufficient to cover all his expenses.

The former CFO was asked to develop and implement a new system for accounting generally and money transfer procedures for bank accounts specifically. This is where his first opportunity expansion occurred. He designed procedures with single approval requirements where approval rights rested with people in the accounting function. Before taking on the CFO position at HRB, he had worked in the parent company. This is where his second opportunity expansion occurred. He kept professional and social ties to executives in the parent company, so that the other executives at HRB never dared questioning his performance or behavior. He was a friendly person who was liked by everyone, although he never talked about work. The chief executive officer (CEO) at HRB later told fraud examiners from global auditing firm PwC (2014) that he simply felt he had no other choice but to trust the man.

The external auditor later told fraud examiners from PwC (2014) that the cooperation with the CFO went so smoothly since the CFO always provided large volumes of records for review. The auditor never felt a need to ask for more information. This is where the third opportunity expansion occurred. The CFO made sure that the auditor received an overload of information so that the auditor would not ask for more.

Hestnes (2017) asked the question in his study of the CFO case: Why did the auditor fail in detecting embezzlement at HRB? Normally in a Norwegian context, the auditor is to report annually to the board in the business where the auditor has reviewed accounts. Since the cooperation between the auditor and the CFO went so smoothly, the CEO did not invite the auditor anymore to board meetings. This is where the fourth opportunity expansion occurred.
The CFO became the actual person to report external audit results to the board. The CFO’s fifth and final opportunity expansion was to separate flows of money for current expenses from flows of money for investments. He embezzled mainly investment money. This separation enabled him to present results where the bottom line was not influenced by his financial crime.

CASE 2: OPPORTUNITY ON MOTIVE

Case 2 is concerned with greed expansion as a result of emerging ample organizational opportunity for financial crime. A priest in the Methodist church was appointed chief executive officer (CEO) in the religious Betanien Foundation in Bergen in Norway. He lived a modest lifestyle while successfully expanding foundation business. He did very well in negotiations with the Municipality of Bergen Hordaland County and the government, and he had a genuine interest in achieving the best possible deals for Betanien. On several occasions, he was honored and admired for having brought Betanien to successful expansion and profitability. Soon Betanien ran several hospitals, nursing homes, and kindergartens.

The district court of Drammen is located west of the capital Oslo in Norway. On February 2, 2015, the former CEO was sentenced to prison for 3 years because of embezzlement in the Methodist foundation Betanien (Drammen tingrett, 2015). He admitted to embezzlement of 16 million Norwegian kroner (about US $2 million) that he later agreed to pay back based on future income and heritage.

Fleckenstein and Bowes (2002) phrased the question: Is trust often betrayed in terms of white-collar crime in religious institutions? According to Owens and Shores (2010), most white-collar crime incidents are exploitations of trust, which can be fostered by a shared religious identity between the victim and the perpetrator. Shores (2010) phrased the questions: Are social religious networks an attractive arena for white-collar criminals? Is the morale of not
acting illegally blinded from a chance perspective when an attractive opportunity arises? Or as suggested by Corcoran et al. (2012): Do shared religious beliefs lead to less acceptability of white-collar crime?

Fundacion Betanien was opened in the autumn of 2001 in Alfaz del Pi in Spain. The institution in Spain is part of Betanien’s rehabilitation and nursing home, which is operated and owned by the Betanien Foundation in Bergen. The CEO initiated and successfully established Fundacion Betanien. He told accountants in Bergen whenever money was to be transferred from Norway to Spain.

The CEO experienced complete trust from all involved. He had authority both as a business leader and as a religious leader. When he made a mistake, nobody noticed. He was managing large sums of money all by himself. The auditor in Norway believed that accounts in Spain were audited by Spanish auditors, while accountants in Spain believed audit took place in Norway.

In Spain, the CEO developed a drinking problem. While always sober in Norway, he became a heavy drinker in Spain. He enjoyed drinking, and he could afford it at the expense of the foundation. Soon he expanded his local lifestyle in Spain to include parties with prostitutes that were also funded by the foundation. His embezzlement of funds from the foundation enabled him to live a double life, where he was modest at home, while living like a playboy in Spain. He abused the money that he controlled on behalf of the foundation to enjoy a lifestyle in Spain that he could never do at home as a priest and as a family man.

After much pressure and threats from two whistleblowers, the chairman at the foundation hired BDO (2014) to conduct an internal investigation, where fraud examiners detected large sums of money embezzled by the CEO over a period of several years.

CASE 3: MOTIVE ON WILLINGNESS
Case 3 is concerned with willingness expansion as a result of a stronger desire for illegal profit to cover personal or organizational needs. Procurement officers in public office can be an attractive target for vendors who are willing to bribe officials. When officials have a stronger desire for a bribe, then their willingness will increase and corruption is more likely to occur. The German bus manufacturer MAN bribed more than nine procurement officers at the bus operating company Unibuss in Oslo, Norway.

There were a large number of offenders identified in the Unibuss case, where nine persons were convicted to prison, and more persons were waiting for their trials in Oslo district court. The Unibuss scandal started in Germany where bus manufacturer MAN was systematically bribing public transportation companies to make them buy MAN busses. For example, MAN made procurement officials specify the need for busses of exactly 18 meters and 75 centimeters in length. The only bus manufacturer supplying exactly that length was MAN. Corruption did not only occur towards procurement officers but also executives at Oslo city transportation company Unibuss (Haugan, 2014).

All of the bribed Norwegians were on public salaries which is significantly lower than salaries in the private sector. Their strong desire for a better standard of living can be illustrated by their spending of bribes that mainly ended up in home expansions and better private cars. They obviously felt they deserved more than they earned, which influenced their willingness to accept bribes.

When Unibuss procurement officials and executives from Norway visited MAN sales executives in Germany, they received envelopes with Euros in cash during social events. However, some years later, a Unibuss employee was on vacation in Munich in Germany when he read a local newspaper. He read that MAN sales executives were prosecuted in Germany in a corruption scandal. In the newspaper article in German, several countries were mentioned,
including Norway. When the Unibuss employee returned home from his vacation, he went to his superior who he trusted, and told about the media story.

Fraud examiners at local law firm Wiersholm (2012) found that some of the Norwegians at Unibuss had asked for bribes, while others had waited for MAN to offer them bribes. All payments were made by cash from the firm MAN Nutzfahrzeuge AG, where payments were classified as mediation commission.

A technical executive was sentenced to 5 years and 9 months in prison, while a procurement executive was sentenced to 5 years in prison by Oslo district court (2014). Other sentences were 2 or 3 years in prison.

CASE 4: WILLINGNESS ON MOTIVE

Case 4 is concerned with motive expansion as a result of a stronger willingness for deviant behavior. Narcissistic organizational identification by some CEOs is one of several perspectives on potential criminal behavior (Galvin et al., 2015). If a CEO says and believes in the statement – “I am the company” – then the organization can be up for trouble. Narcissism here means seeing oneself as central to the organization’s identity. It is a self-centered form of organizational identification. The CEO may lose his or her independent sense of self and engage in questionable behaviors. Narcissistic organizational identification is characterized by domination of individual identity over organizational identity. CEOs with narcissistic organizational identification feel a strong affinity for their organizations’ identities, but as an expression of themselves. They see their own identity as the main reference for understanding what the organization is all about. Removing the separation between the individual and the organization can cause the CEO to think of company money as personal money.
While there is considerable variance in narcissistic tendencies across CEOs, many CEOs have narcissistic personality traits such as self-focus, self-admiration, a sense of entitlement, and a sense of superiority (Zhu and Chen, 2015). Galvin et al. (2015: 163) found that:

> It is not uncommon to learn of individuals in positions of power and responsibility, especially CEOs, who exploit and undermine their organizations for personal gain. A circumstance not well explained in the literature, however, is that some of those individuals may highly identify with their organizations, meaning that they see little difference between their identity and the organization’s identity – between their interests and the organization’s interest. This presents a paradox, because organizational identification typically is not noted for its adverse consequences on the organization.

The CEO in Norway was convicted to 7 years in prison. He had spent company money on a variety of projects that had nothing to do with the business. As suggested by Zhu and Chen (2015), the convicted CEO favored bold actions that could cause external recognition. For example, he built a water fountain in front of a nursing home since one of the company’s business areas was water supply.

The CEO bought from company money a hunting farm in South Africa. He argued in court that this was an investment according to his new business model for the company. Similarly, a number of other money flows were presented in court as business investments. He told the court that they did not understand his business ideas.

The convicted CEO was very much in line with a description presented by Zhu and Chen (2015: 35):

> Narcissistic CEOs tend to favor bold actions, such as large acquisitions, that attract attention. They are less responsive than other CEOs to objective indicators of their performance and more responsive to social praise. For instance, while narcissistic
CEOs tend to aggressively adopt technological discontinuities, they are especially likely to do so when such behavior is expected to garner attention and admiration from external audiences.

The convicted CEO had been honored by the King of Norway for his good deeds in his local community, including the water fountain in front of a nursing home. Fraud examiners from Distriksrevisjonen (2007) found that several causal factors had worked together to enable the CEO to carry out his systematic pouring and emptying of resources from the company. Among the factors were his personal commitment, willingness and motivation to work in untraditional ways.

CASE 5: OPPORTUNITY ON WILLINGNESS

Case 5 is concerned with willingness expansion as a result of emerging ample organizational opportunity for financial crime. One brother was in charge of property management and maintenance within the municipality while two other brothers were in the maintenance business. When they discovered the mutual interest in doing business with each other, public procurement regulations were ignored. A court of appeals convicted all three brothers to prison for several years. They were convicted of corruption and organized crime (Borgarting, 2011).

Five and a half years in prison for corruption and organized crime became the verdict of the former property manager in the municipality. This ruling from a district court in 2009 was upheld in the court of appeals in 2011 (Borgarting, 2011). Together with his brothers, he caused a loss for the municipality of 20 million Norwegian kroner (about 2.5 million US dollars). They cheated by lack of competition and systematically overbilling maintenance
services. The convicts shared the profits via craft services, building materials, boats, motorcycles and cash (Gedde-Dahl, 2011).

Benson and Simpson (2015) argue that many white-collar offences manifest the following opportunity properties: (1) the offender has legitimate access to the location in which the crime is committed; (2) the offender is spatially separate from the victim, and (3) the offender’s actions have a superficial appearance of legitimacy. Situation-focused perspectives explain crime in terms of opportunity structures. Piquero and Benson (2004) proposed a middle-ground explanation of white-collar crime, which they call the punctuated situational theory of offending. This theory assumes that white-collar criminals start offending when they reach their forties. Opportunities that result from a certain occupational status are claimed to explain crime. Situational factors – such as a more influential job and more important contacts – give access to illegitimate means to obtain desirable goals.

Willingness driven by opportunity implies that an opportunity is attractive as a means of responding to desires. The presence of a favorable combination of circumstances can stimulate willingness (Aguilera and Vadera, 2008). Fraud examiners at G-Partner (2007) found that the property manager had ample opportunity to order services from whoever he liked, since he was empowered to do it on his own, and no control mechanisms or audit procedures were in place.

CASE 6: WILLINGNESS ON OPPORTUNITY

Final case 6 is concerned with opportunity expansion as a result of a stronger willingness for deviant behavior. Two employees in the city of Drammen outside Oslo found building regulations too strict, and therefore started to approve construction applications that represented violations of the law. They disagreed with the law, and were thus willing to break it. To enable law violation, they cooperated in the receipt of new applications. Normally, there
should be random assignment of new applications to one of several officers in the construction branch department in the municipality. The two employees expanded their organizational opportunity by manipulating the system so that one of them always got a case from the other one who had been contacted personally by the applicant. For each successful application, the two officers received a bribe of twenty or thirty thousand Norwegian kroner (approximately three thousand US dollars).

In March 2018, both employees were convicted to prison for respectively 6 years and 3.5 years in Drammen district court. The defendants were a woman age 59 years and a man age 46 years. The sentence was more severe than suggested by the prosecutor in court (Kommandantvold and Bjerkeseth, 2018).

In their fraud examination, Deloitte (2017: 4) draws the following conclusion:

The investigation shows that the department has not had a framework or system that ensures adequate control in the construction application work. Deficiencies are revealed that relate to the control structure and culture in the department, including lack of formal delegation of authority to relevant personnel and lack of overview of responsibilities and authorizations. The department has no management system, and there are shortcomings associated with access to functions in the case processing system, which contributes to a lack of overview and control.

Deloitte’s (2017) review was based on the control committee’s mandate, which essentially deals with organizational conditions. Fraud examiners at Deloitte had to take into account that there was a police investigation going on in parallel. Investigators from Deloitte collected data through document analysis, interviews and review of 58 building cases, which had been processed in the municipality’s building permit department.

DISCUSSION
Six case studies of convicted white-collar offenders in Norway have illustrated suggested causal relationships between dimensions in convenience theory. More empirical study is needed to verify the convenience triangle in white-collar crime. For example, trajectories of offending can be identified, where the three dimensions play different roles over time.

In addition to court documents, reports of investigations by fraud examiners help shed light on crime cases. The purpose of an internal investigation by fraud examiners is to reconstruct the past. The past may be an event or a series of events where for example someone did something to somebody. Previous events are typically negative, and they have caused some damage. The goal of an investigation is to uncover the facts in a particular situation. In doing so, the objective truth about the situation is the ultimate goal. A private investigation is mainly after the facts, with the goal of determining how a negative event occurred, or whether the suspected action occurred at all. The goal may also be to prevent a situation from ever occurring in the first place, or to prevent it from happening again. Unfortunately, too many internal investigation reports written by global auditing firms and local law firms are not disclosed publicly and thus hard to discover and access for research (Gottschalk and Tcherni-Buzzeo, 2017).

The current study is limited to cases from Norway. Since Norway, being a relatively good governance nation, is likely to have a low white-collar crime frequency, one cannot be sure about the general applicability of case studies based on Norwegian data. Norway is considered to have a more limited shadow economy than most other developed nations (Gottschalk and Gunnesdal, 2018), and thus a relatively low white-collar crime frequency can be assumed (Goel and Saunoris, 2017).

An interesting avenue for future research is to explore international comparisons with famous American and German cases. A more complicated, yet attractive avenue is to provide an
actual investigation into causality, for example based on autobiographies by convicted offenders (e.g., Kerik, 2015; Middelhoff, 2017).

CONCLUSION
This article has applied convenience theory to study six Norwegian white/collar crime cases that link three constructs: motives, opportunities, and willingness. The article documents a desire to propose an integrated theory of white-collar crime where the organizational opportunity is at the core of attention. It is in the professional context that offenders carry out their illegal acts as long as there is a motive and a willingness. Several of the cases have an international nature, although they all originate in Norway.

One important theoretical implication of convenience theory is the relativity and thus decision-making involved in white-collar crime. Crime will only occur when it is the most attractive option among alternatives in a decision-making process to reach goals. Another important theoretical implication is the combined presence of motive, opportunity and willingness that have a reinforcing effect on each other.

An important policy implication is concerned with levels in the convenience model. Motive is at the individual or organizational level, opportunity is at the organizational or societal level, while willingness is at the individual level. Crime control measures are thus needed at all three levels. To reduce opportunity, organizational and societal measures are required so that access to resources decreases and probability of detection increases.

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