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# Impression management following investigation and prosecution scandal in Norwegian police: a review of press releases

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## ABSTRACT

This article presents research regarding impression management following a white-collar investigation and prosecution scandal by the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway. The authority issued 39 press releases in one year, which communicate focus on less serious crime cases combined with deterrence by taking on cases without ever bringing them to court. Deterrence strategy by investigations implies that the authority passes penalties on suspects who never have a chance to defend themselves in court. The penalty is suffering from negative public attention, lack of job opportunities, and time spent in detention and interrogation as an accused where they have to explain themselves. The authority then behaves like a court where they punish people. However, that is a role assigned to judges and not to investigators or prosecutors. The authority argues that it is difficult to obtain the necessary information without a thorough investigation. While this is certainly true, a policing principle seems forgotten that an investigation should only be launched when it is somehow obvious that crime has indeed occurred by a criminal.

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## Introduction

Swiss-based rig operator Transocean and three Norwegian legal advisers were acquitted of tax fraud in a Norwegian appeals court in 2014 in connection with shifting assets between subsidiary companies (Reuters 2014). The court case was a scandal for the National Authority for Investigation and Prosecution of Economic and Environmental Crime in Norway (Økokrim) that is Norway's central police unit for fighting economic and environmental crime. Economic crime refers to financially motivated crime (Meerts 2023). The Attorney General in Norway had to appoint a review committee to examine the scandal. The report by the committee found that there was management failure at Økokrim in addition to incompetence in the police unit (Riksadvokaten 2017).

This article addresses the following research question: *How does impression management following a scandal work in the Norwegian police unit Økokrim where deterrence by investigation seems to be the strategy?* A scandal refers to a harmful event that is publicly known (Bundy and Pfarrer 2015). A scandal can develop into a crisis that refers to a lasting threat to the organisation (König et al. 2020). Impression management refers to Økokrim's release of information regarding accomplishments to

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reduce the discrepancy between the desired and perceived professional image of the police unit (Lim and Jiang 2021).

This article attempts to find an answer to the research question by a review of press releases from the Norwegian authority Økokrim some years after the scandal. Press releases are an important vehicle for organisations to disclose organisational activities to the public (Gong 2023). The research is important as impression management is a strategy where Økokrim leadership might release information to distort stakeholders' perception of accomplishments or lack of accomplishments in the organisation (Demaline 2023). In particular, as discussed in two case studies, Økokrim might create an impression of a competent serious fraud office by taking on complex cases while never bringing them to court, thereby potentially victimizing suspects who do not have an opportunity for defense in a fair trial. The underlying thesis here is that Økokrim no longer prosecutes serious cases in court as they terminate such cases at the stage of investigation. This kind of deterrence strategy might be effective but unfair. While Norway is ranked second best in the world – just behind Denmark – out of 142 countries assessed in the World Justice Project's 2023 Rule of Law Index, the issue here is potential lack of criminal justice and suggested greater use of experienced police detectives – rather than lawyers – at investigating suspected cases of economic crime to enable subsequent prosecution by state attorneys in court.

## Definitional issues

A scandal refers to 'an unexpected, publicly known, and harmful event that has high levels of initial uncertainty, interferes with the normal operation of an organisation, and generates widespread, intuitive, and negative perceptions' externally (Bundy and Pfarrer 2015: 350). A performance scandal forces the organisation to make accounts, where an account refers to a statement made by the scandalized entity to explain what they are doing (Gottschalk and Benson 2020), for example in the form of press releases (Gong 2023). If such statements do not work, then the scandal can develop into a crisis, where a crisis refers to a fundamental threat to the organisation, which is often characterized by ambiguity of cause, effect, and means of resolution (König et al. 2020, Wu and Xu 2023). 'Crises are harmful events perceived by managers and stakeholders as salient, unexpected and disruptive' (Iqbal et al. 2023: 1).

Recovery after a scandal or crisis refers to return to a state of regained social license to operate (Inoue et al. 2022; Sumpter and Gibson 2022). The social license represents stakeholders' acceptance of organisational activities (Gottschalk 2023a). It is a matter of conformance to expectations regarding, in the case of Økokrim, professional conduct in investigations and prosecutions. Recovery can be achieved by both substantive and symbolic conformance. Symbolic conformance occurs in organisational activities that create an impression of meeting or exceeding norms and obligations without actually doing it. Substantive conformance, on the other hand, is present when organisational processes meet the required and desired specifications indicated by stakeholders (Durand et al. 2019). Press releases can have information to communicate both substantive and symbolic conformance (Greene and Smith 2021).

Press releases can serve impression management to enable return to a state of regained social license after a scandal or crisis. Impression management aims to generate positive evaluations of an entity (Bass et al. 2023). Impression management is a conscious or subconscious process in which people attempt to influence the perceptions of other people about a person, object, or event by regulating and controlling information in social interaction (Demaline 2023). Impression management can be construed as manipulative or deceptive. An organisation's words and actions can be purely authentic or manipulative to manage its impression. However, impression management itself never means creating inauthentic behavior.

Authenticity refers to how words and actions of the organisation are in line with or consistent with its true identity. Authenticity is an important aspect of impression management in that an organisation can be discredited when it sends a false or artificial message. From the impression

management perspective, public relations are the strategic and deliberate efforts of managing an organisation's communications and actions in order to give consistent impressions to its stakeholders and publics. Lim and Jiang (2021: 470) argued that impression management theory is connected to the two-way communication perspective:

Because an organization manages its impressions based on the reactions of and requests from its publics, it can continuously construct and reconstruct its identities.

For example, when an organisation such as Økokrim releases a press statement, then there will be reactions, first by the media and then by the public. The media will consider whether the press release is of interest and whether messages from Økokrim should be communicated in a supportive or critical form. The public then, especially individuals who feel persecuted by Økokrim, might respond in the media.

The concept of organisational identity can be defined as the organisational equivalent of individual-level identity, where it is an understanding of a collective self that enables members uniquely to position the organisation within a social space. Like individual identity, organisational identity focuses on attributes of the organisation that members perceive as unique and distinctive (Cloutier and Ravasi 2020). Gouvard et al. (2023: 786) argued that identity 'is not something one innately has but something one continuously does'. The identity perspective suggests that individuals and organisations develop professional identities where they act according to a chosen identity. It is a process of generating possible selves, selecting one, and discarding others (Obodaru 2017).

Individuals and institutions that experience a discrepancy between their desired and perceived professional images, and that are motivated to reduce the discrepancy, will attempt to present themselves in a manner, which reflects their desired professional image (Roberts 2005: 690):

Impression management theory is based on the premise that people actively monitor the environment for clues about how others perceive them and look for discrepancies between their desired professional image and their perceived professional image.

For example, Økokrim had a discrepancy between being a center of excellence and being a failure of competence. Økokrim claims to be the main source of specialist skills in the police and the prosecuting authorities in their combat against economic and environmental crime. Yet the Transocean scandal told them the perceived professional image was far below that level among stakeholders, as described below.

Organisations such as Økokrim can use a range of impression management behaviors to reduce the impact of a negative event on organisational outcomes. The negative event was the Transocean court case scandal. Økokrim had to choose reactive impression management 'to reduce stakeholder groups' negative evaluations following a negative event' (Bass et al. 2023: 294). Over time, however, Økokrim might choose proactive impression management ahead of predictable and unpredictable negative events. An example might be the predictable failure in investigating a member of the elite by stating in press releases that Økokrim is simply reviewing the matter since the accused's actions attracted so much public attention. Bass et al. (2023: 304) argued that proactive impression management can reduce 'the impact of an unpredictable negative event'.

## Attorney general report

The Økokrim police unit, created in 1989 has its main office in Oslo. Økokrim is both a police unit and a prosecution authority. The unit is organized in multidisciplinary teams headed by public prosecutors. Each team has a specific field of expertise, such as corruption, computer crime, and fraud. Økokrim claims to be the main source of specialist skills for the police and the prosecuting authorities in their combat against crime of this kind. The organisation has played an important role in some major legal cases, including the VimpelCom scandal in Uzbekistan (Cookson 2015), the Yara scandal in Libya (Milne 2018), the Tidal streaming scandal in the United States (Reuters 2019), and

the International Biathlon scandal in Austria (Ingle 2023). One of the major legal cases was the Transocean case (Reuters 2014):

Swiss-based rig operator Transocean and three advisers were acquitted of tax fraud in connection with shifting assets between subsidiary companies, a lawyer in the Norwegian case said today. Norwegian authorities sued several Transocean subsidiaries along with their individual advisers for 1.8 billion crowns (\$290,74 million) in damages. 'Everyone, both the companies and the individuals charged, were acquitted of all charges,' Erling Olav Lyngtveit, the lawyer who headed the defense team, told Reuters.

The quoted verdict of acquittal of all defendants was passed in Oslo district court in July 2014. Økokrim had been investigating the case since January 2005. Økokrim appealed the verdict from the district court, and the appeal court hearing was scheduled for January 2016 at Borgarting court of appeal. The appeal proceedings were, however, postponed, first after the defense attorneys presented a disqualification objection against the lead prosecutor in the case on 21 December 2015. Then proceedings were postponed after the lead prosecutor from Økokrim was removed from the case on 4 January 2016. On 13 January 2016, Økokrim withdrew the appeal in its entirety, and the Borgarting court of appeal ruled the following day acquittal without appeal hearing. Four days later, the head of Økokrim sent a letter to the Attorney General, where he asked for an external review of the case from a learning and evaluation perspective. The review committee was appointed by the Attorney General on 12 May 2016. The mandate for the review stated (Riksadvokaten 2017: 5):

The committee shall submit a report that illuminates and evaluates the following themes in Økokrim's investigation and trial performance of the case:

- The case intake, including the decision that there was a basis for launching an investigation, and the assessment of which circumstances the investigation and the trial should be aimed at.
- Planning and management of the investigation.
- Time spent and progress, including progress in clarifying suspicions against each suspect/accused.
- Use of resources.

When the internal review report was handed over from the committee to the Attorney General and made publicly available in 2017, the media reported a scandal (Befring et al. 2017):

Økokrim slaughtered for Transocean investigation. Økokrim receives sharp criticism for its handling of the Transocean case. A lack of management and an ad hoc investigation are just some of the criticisms.

-Not the way we work now, says the Økokrim chief.

Two years later, the Økokrim chief resigned as the scandal in 2017 developed into a crisis for Økokrim. Regarding lack of management as stated by Befring et al. (2017), the review committee said in its report (Riksadvokaten 2017: 105):

The committee finds few traces of managerial follow-up and control of the investigation and its progress. During the investigation, management received limited written status updates and progress plans for the case. The committee has not received information either about specific measures that were implemented to ensure the necessary progress in the case. The committee is of the opinion that, in light of the scope and complexity of the case, the management should have become more involved than was done to ensure that the investigation was sound and that the case had the necessary progress. The committee has been informed by various people who have been associated with the investigation that management was informed of concerns and frustration on the part of the investigation team related to a lack of planning, management, and progress on several occasions. In the same way, management must have been made aware that the cooperation between the team and the team leader (prosecution officer) at Økokrim did not function optimally in periods. This was partly due to the fact that it was unclear what role the individual on the team should have. The aforementioned problems and points of view must have been raised with the management.

The trial in Oslo district court was dominated by the best white-collar defense lawyers in the country. Økokrim could not match their competence. Therefore, Økokrim recruited and hired some other excellent white-collar defense lawyers to join the prosecution team. This looked strange to observers

as it became obvious that there was a lack of competence while Økokrim claimed and claims to be a spearhead against economic crime in Norway. It is the central unit for fighting economic crime. Økokrim (2022b) claimed and claims to be the main source of specialist skills for the police and prosecuting authorities in their combat against crime of this kind:

Our production of criminal cases provides strong general prevention, and our delivery of assistance and sharing of expertise to the police districts ensures a good effect of the resources the police and public prosecutors use nationally to combat such crime. In addition, Økokrim must cooperate with other national and international authorities, and have an advisory function for central authorities.

While Økokrim completed some complex and serious economic crime cases that they had already taken onboard, it seems that no new complex, serious economic crime cases have been investigated and prosecuted since the internal review in 2017. To study this impression, review of press releases from Økokrim seems to be an appropriate avenue as discussed below. But first we provide anecdotal evidence of the impression that Økokrim targets less challenging law violators.

### Preference case study

The following case study illustrates the seemingly preference at Økokrim of investigating and prosecuting less complex crime with low extent of seriousness. It is argued here that the chosen law enforcement target should not have been the main focus of the national authority for investigation and prosecution of economic and environmental crime in Norway if the central policing unit had been able to access and apply specialist skills for the police and the prosecuting authorities against white-collar crime. However, Økokrim made a choice of targeting offenders that were less challenging to them.

This case study is concerned with the island of Tjøme in the southern part of Norway where rich people built their summer mansions along the shoreline in recent decades. The rich and mighty are occupying the most attractive recreational places along the coast with their vacation resorts in the form of summer palaces and private harbors. While Norwegian law makes it illegal to construct or expand buildings and other changes in the landscape in the one-hundred-meter belt along the coast (Økokrim 2022a), white-collar offenders hire architects, attorneys, and other resources to get what they want and defend what they have done (Gottschalk 2021).

The island of Tjøme deserves comparison to Cape Cod in Massachusetts in the United States, which is an attractive resort area for summer vacation. The island of Tjøme is an extremely attractive resort where wealthy individuals started by building cabins and then expanding them to mansions and palaces as summerhouses and holiday homes.

The shoreline is a limited public good that many nations protect and preserve for the recreation and benefit of all its inhabitants and visitors. Privatisation of the shoreline, especially in the form of vacation resorts, is thus illegal. Nevertheless, some rich and mighty people are able to cross obstacles and barriers by violating the law. They build and expand their vacation homes on the shoreline knowing that it is illegal. With the help of architects drawing mansions, construction firms building mansions, attorneys defending the work, and community planners in the municipality willingly approving deviant applications based on minor bribes, the mansion owners get what they want. If the rich people do not get what they want, they hire the best lawyers to get what they want anyway in the end (Gottschalk 2021).

The rich people were the main law violators. However, they were difficult to access because of their clever lawyers. The lawyers had already exhausted the municipality of Tjøme (later named Færder) with their symbolic defense and information control, in addition to substance defense. Symbolic defense is concerned with actions that portray their clients as innocent and instead attack public authorities for unfair treatment. For example, some lawyers wrote and submitted several-pages memoranda to the municipality and shortly after complained that the municipality did not respond within time limits according to public guidelines. Other lawyers claimed that the state should pay for their work (Aunemo 2020) or threatened in some ways (Blix 2018; Holmøy 2020).

The most demanding targets for Økokrim would thus be the rich and mighty with their top attorneys. Whistleblowers had documented violations by the mansion owners, and the municipality had reported cases to Økokrim. However, people at Økokrim were reluctant to pursue the matters. The major financial newspaper in Norway focused on the mansion owners and their wrongdoings (Skaalmo and Klevstrand 2021), but Økokrim ignored it. The newspaper wrote: 'Økokrim investigates cabin owners, charges architect' (Klevstrand and Solem 2020).

Instead, Økokrim targeted an architect who had helped the rich people realize their dreams. Økokrim also targeted a municipal planner who had approved some of the deviant building applications. Those two defendants were not that difficult to investigate and prosecute for minor corruption. Both the municipal planner and the architect were in the end convicted to a few months in prison after having had their case on trial in the district court (Vestfold tingrett 2020), the court of appeal (Agder lagmannsrett 2021), the Supreme Court (Høyesterett 2022), and then the final verdict in the court of appeal (Agder lagmannsrett 2023). Økokrim seemingly spent all their resources getting the two convicted although the two convicts hardly qualify for being white-collar offenders or having committed serious economic crime.

Prosecuting architects over property owners are here treated as going after the small fish and as evidence of the state's unwillingness to take on the real offenders. Of course, one might argue the opposite – architects are key players in the market and sanctioning them could result in architectural firms refusing to work with homeowners seeking to violate building rules. However, in this particular case, the architect worked in a firm that was established and financed by some of the rich property owners. This particular architectural firm where the convicted architect worked had a board that consisted only of rich homeowners seeking to violate building rules.

In the spring of 2023, when the two regular offenders were convicted and ready to serve their short time in prison, one might expect that Økokrim would attempt to target some high-status white-collar offenders among the rich mansion owners. But they did not. Instead, they once more charged the architect Rune Breili with a new minor offense. The architect's defense lawyer was surprised on behalf of his client (Bjørndal 2023: 8):

He has just received the indictment and we have not been able to discuss it thoroughly yet. It came as a surprise to Rune Breili. He disagrees with the indictment and finds it tough once again to have to stand up and defend himself. He had hoped that he could put this behind him and serve his sentence. I think Økokrim seems a bit overzealous and that they should have stopped after the court of appeal made the final verdict, says Breili's defender, Thomas Skjelbred.

Now it was 2023. Økokrim started investigating the Tjøme issues five years ago. They took over the case from the local police district since they were supposed to be the experts in complex forms of economic crime. They interviewed whistleblowers who had searched municipal files for evidence. Whistleblowers handed over incidents with solid evidence regarding rich and mighty people who had violated the law when building their mansions along the shoreline.

When addressing the research question; *To what extent is Økokrim still a serious economic crime office?* – then it seems that an answer and a conclusion in this case study as well might be that Økokrim is not a serious fraud office anymore. Other case studies could be presented based on the press releases supporting the claim that Økokrim should no longer be seen as a serious fraud office.

The reason as emphasized by Riksadvokaten (2017) seems to be lack of competence and thus avoidance of complex serious fraud cases. The lack of competence might be explained by the weakest link in the chain that seems to be police investigation. This again seems to be the result of the ranking order and thus status within Økokrim. The police unit is completely dominated by and managed by legal experts. State attorneys are in charge of both investigations and prosecutions. There might really be no room for detectives to develop their skills freely and independently of legal issues. Police officers have simply less status within Økokrim compared to state attorneys. Status is an individual's social rank within a formal or informal hierarchy, or the person's relative standing along a

valued social dimension. Status is the extent to which an individual is respected and admired by others, and status is the outcome of a subjective assessment process (McClellan et al. 2018). High-status individuals enjoy greater respect and deference from, as well as power and influence over, those who are positioned lower in the social hierarchy (Kakkar et al. 2020: 532):

Status is a property that rests in the eyes of others and is conferred to individuals who are deemed to have a higher rank or social standing in a pecking order based on a mutually valued set of social attributes. Higher social status or rank grants its holder a host of tangible benefits in both professional and personal domains. For instance, high-status actors are sought by groups for advice, are paid higher, receive unsolicited help, and are credited disproportionately in joint tasks. In innumerable ways, our social ecosystem consistently rewards those with high status.

The situation is very different at the national criminal investigation service Kripos. They focus on traditional street crime and are dominated by policing competence in terms of interviewing skills, crime scene analysis, and other areas of expertise. One difference though to Økokrim is that prosecution in court is left to the relevant police district.

## Research method

Press releases are an important vehicle for organisations to disclose information to the public (Gottschalk 2023b). Compared to other disclosure approaches, 'press releases cover a great variety of topics and publicize much more abundant information than other disclosures' (Gong 2023: 2081):

Prior studies show that press releases could mitigate outsiders' information acquisitions and interpretation costs and portray the firm as distinctive, proactive and interesting. Managers also have full control over press releases and can strongly influence audience perceptions of events and firms via their decisions on which information to highlight or emphasize and how to frame that information, such as using negative and positive tones. Consequently, press releases can be used advantageously by managers to disclose information and opinions.

We assume that this is the purpose of Økokrim when releasing press statements in Norway. They want to tell what they are doing, and what they are concerned about. The research method started by collecting press releases from Økokrim, then classifying each statement by category and seriousness, and then finally interpreting an answer to the research question. The press releases were obtained by signing up as a researcher and asking Økokrim to add the researcher's email address to the email addresses of various media outlets on a continuous basis. Categories were developed after the one-year sample was complete. Levels for seriousness was then determined.

A press release is a news statement initiated by an organisation in possession of relevant information to produce the press release (Greene and Smith 2021). A press release is an announcement originated by an entity and distributed via a news provider (Gong 2023). It is at the discretion of the news provider, such as a newspaper or a television channel, whether they distribute the content of the press release and if they do, whether they make editorial changes to it. While managers have full control over press releases, they have no control over the intermediaries' use of highlighted information to the audience. When managers use own digital channels and social media to disseminate their information, then they have full control of the information reaching the audience. Even when they have full control over press releases to the intended audience, it may represent a critical communication step as they have no control of knowledge acquisition at the receiving end (Filip et al. 2022). Knowledge at the receiving end is a combination of the press release information combined with interpretation (understanding), reflection (thoughts), and context (relationships). A press release can, for example, be understood as 'a form of cheap talk' and 'reflect managerial overconfidence' (Filip et al. 2022: 65).

Gong (2023) examined how CEO overconfidence affects the tone of press releases. He found that press releases issued by firms with overconfident CEOs have more positive tone and receive more positive market reactions. The relationship between CEO overconfidence and the tone of press releases was stronger among firms with good operating performance. Overconfidence was



measured by how CEO exercised their stock options. Press release tone was measured by various proxies sampled from the news. The findings suggest that CEO overconfidence leads to biases in press releases.

Filip et al. (2022) studied the association between disclosures about key value drivers in press releases announcing mergers and acquisitions and acquirer stock returns upon the announcement. In a case study of Pfizer, they found that managerial enthusiasm in the press release was associated with the acquisition being negatively received by market participants, as evidenced by a significant decrease in the Pfizer stock price at the time of the announcement. According to the study, the press release document included 60 terms related to 'synergies', 36 terms related to 'growth', and 23 terms related to 'technology'.

In one year, from June 2022 to June 2023, Økokrim issued 39 press releases (Gottschalk 2023b). Assessment of seriousness is an intuitive exercise reflecting characteristics mentioned by national police units such as the Serious Fraud Office in the UK (Osafsky 2023) and the FBI (2023) in the United States. Seriousness assessment also reflects the national role of Økokrim where crime cases with low or medium seriousness could have been handled by fraud teams in police districts in Norway rather than the national authority that should be a spearhead against economic crime in the country.

## Research results

The average prison sentence for white-collar crime in Norway is two years. However, in serious white-collar crime cases the prison sentence tends to be several more years. The maximum sentence so far passed in a Norwegian court for white-collar crime is 9 years. Typically, white-collar offenders who are the main target for Økokrim have to go to jail for 5–7 years in recent decades. There is only one such prison length in the thirty-nine press releases, where an offender committed investment fraud against 77 innocent victims. This case is classified as high seriousness. Two more are also classified as high seriousness such as the Nordic case where it was a form of organized white-collar crime.

The following week after the Nordic case in April 2023, another high seriousness case was press released by Økokrim. It concerned the former president of the International Biathlon Union (IBU). While the IBU is headquartered in Austria, the former president is a Norwegian citizen (Ingle 2023). The impression of the case intake at Økokrim is that external forces made them take on the case. Foreign influence has also in the past caused cases taken on by Økokrim. For example, the FBI in the United States told Økokrim in Norway to take on the Yara case after the Libya scandal (Milne 2018).

The IBU case is serious as it addresses the issue of corruption in international sport. Since there are growing sums of money involved in global sport, such as assignment of world cups, there is also an arena for corruption. The lure of criminality and wrongdoing such as corruption in sport increases as sport events grow in popularity and prestige as studied by scholars in criminological perspectives (e.g. Manoli and Janecic 2021; Stathopoulou et al. 2021; Begovic 2023). A fraud investigation report by Taylor (2021) established evidence of corruption at the IBU in Austria, where the Russian biathlon union bribed the IBU president to ignore doping scandals. Økokrim charged the president in April 2023.

There are 7 corporate messages among the 39 press releases. Then there are 6 press releases regarding charges that were ready for trial. The remaining 26 press releases concern individuals prosecuted for economic crime. Two thirds of the press releases (66%) were thus concerned with cases in the criminal justice system that Økokrim prosecuted in court. Only two press releases – for only one case of a prosecuted mayor – told a story of anyone acquitted after prosecution by Økokrim although historically Økokrim has claimed a success rate of eighty to ninety percent. If this was still the case, Økokrim in the year 2022/2023 could have published two, three, or four press releases where they failed in court.

An example of self-protection and impression management by Økokrim was the press release concerned with their defeat at defendants acquitted where the press release communicated that Økokrim did not appeal the verdict although they could do so:

Økokrim is not appealing the acquittal of the mayor of Nittedal municipality and a businessman in Nittedal who were charged with gross corruption. The mayor and businessman were acquitted by the Eidsivating Court of Appeal last week. Økokrim does not appeal the verdict to the Supreme Court, and it is thus legally binding.

Økokrim's (2022b) role is 'to protect important values in the Norwegian society'. Values include both material and immaterial values that are considered important in the Norwegian culture. One important value in the culture is trust, where violation of trust among people and people's trust in institutions is important to avoid. Trust refers to the acceptance of vulnerability to another's action (Baer et al. 2021). Trust is related to risk (Nooteboom et al. 1997). Kim et al. (2009: 401) defined trust as 'a psychological state comprising the intention to accept vulnerability based on positive expectations of the intentions or behavior of another'.

Økokrim's role is to be the main source of specialist skills to combat economic crime by specializing in fighting the most complex forms and incidents of economic crime.

Given such intuitive characteristics, it is possible to assess the role of Økokrim in the cases presented by press releases. When the seriousness is assessed as low, then it is not at all obvious why Økokrim took on the crime case. 20 of the 26 crime prosecution cases (77%) are labeled low seriousness rather than medium or high seriousness. This outcome is an indication that Økokrim as a national authority in Norway is no serious economic crime office anymore. The vast majority of cases dealt with from June 2022 to June 2023 were thus only of low or medium seriousness, where their publication is perceived to reflect well on Økokrim.

## The failure case

Only for one court case did Økokrim tell a story of anyone acquitted after prosecution by Økokrim, although historically Økokrim has claimed a success rate of eighty to ninety percent. If this was still the case, Økokrim in the year 2022/2023 could have published press releases concerning at least five cases where they failed in court. Økokrim did not.

In itself, the only failure case mentioned by press releases is interesting, however, as it can shed light on the competence challenge at Økokrim. The first press release on 4 July 2022, communicated that Økokrim had lost the case in the court of appeal. The second press release on July 11 communicated that Økokrim would not attempt to have the Supreme Court take on the case. Therefore, the acquittal of the defendants was final.

The most interesting aspect of the case is Økokrim's ability to misunderstand facts in the case as emphasized by both the district court and the court of appeal. Økokrim suspected public corruption while the court found evidence of regular business transactions. Økokrim's interpretation of telephone conversations among suspects that they secretly listened to found no support among the judges. It seems that Økokrim did not have – or did not apply – competence to conduct relevant interpretation of what was said by suspects on the phone. The required competence is at the core of investigative skills where pieces of information become connected to other pieces of information and then put into a context that can make sense. Professional detectives are able to combine information with interpretation, reflection, and context that can turn information into knowledge (Gottschalk 2016). Økokrim obviously failed, where we suggest that the reason is the low status of police officers causing problems in recruiting the best and causing problems in having an appropriate role for detectives in each case at the stage of investigation ahead of potential prosecution.

Another interesting aspect of the case is Økokrim's initial reliance on the first source of information regarding alleged public corruption. The source was a former employee at Økokrim who made his living as a consultant. He had been a state attorney at Økokrim before starting his own law firm and doing consulting work for clients having economic crime issues. Obviously, the former employee had direct access to his former colleagues who trusted his message regarding alleged public corruption. It is not uncommon that trust is based on both source and content, where a former colleague might qualify for trust as a source.

A third interesting aspect of the case is the defendants' reliance on former Økokrim employees as their defense lawyers. The defense lawyers now worked in regular law firms after having left their positions at the national authority for investigation and prosecution of economic and environmental crime.

The case started when a whistleblower said to the chief counsel at the municipality that the mayor was corrupt. The chief counsel recruited the former Økokrim employee who now ran his own law firm (PwC 2022). The former Økokrim employee, Erling Grimstad, made some inquiries and concluded quickly that there was some evidence of corruption (Grimstad 2021). He contacted his former colleagues at Økokrim who started a public investigation. After a while, Økokrim charged two suspects, and they went on trial in both the district court (Romerike 2021) and the court of appeal (Eidsivating 2022). Both courts acquitted the defendants.

The core issue in the case can be found in the district court verdict (Romerike 2021) that was repeated in the court of appeal verdict (Eidsivating 2022: 9):

Central to the case is a money transfer of NOK 125,000 from the sole proprietorship Studio Wellness by Grete Fredriksen on November 20, 2013. The indictment is based on the fact that this transfer was in reality from Bernt Fredriksen, and that the origin of the amount was attempted to be kept hidden by the fact that the transfer took place through Grete Fredriksen's company. It has been stated that the amount was intended as 'lubrication' of Thorkildsen in her position as mayor of Nittedal, linked to the municipal processing of certain property matters in which Fredriksen had interests, more specifically the regulatory process for the Bjørnholtlia area.

The two defendants were Hilde Kristine Thorkildsen and Bernt Fredriksen who were accused of being the bribed and the briber respectively. Thorkildsen was at the time mayor while she was concerned with her own business making a loss. She asked Fredriksen for a loan that he granted to the business. Fredriksen's wife was employed in Thorkildsen's business, where the loan enabled his wife to continue working in the business. The loan was interpreted as being motivated by his wife's opportunity to work and not by Thorkildsen's potential influence in another matter as the mayor. Nevertheless, the loan could simultaneously be for the continued employment of Fredriksen's wife and to secure Thorkildsen's influence.

However, the court found nothing suspicious about the transaction (Romerike 2021: 24):

On this basis, the court has come to the conclusion that there has been no evidence of any connection between the money transfer in 2013 and Hilde Thorkildsen's position as mayor, and that it must be disregarded that there has been any factor of influence. As the prosecution has not provided evidence that Bernt Fredriksen has provided an undue advantage to Hilde Thorkildsen on the occasion of her position as mayor, they will both be acquitted.

Turning information into knowledge by combining pieces of information with interpretation, reflection and context is key to the profession of an investigator. The court used the word interpretation when they disagreed with the prosecution, for example, when they wrote that it 'must not be interpreted as covering up and legitimizing an improper transfer' (Romerike 2021: 13). Another example is Eidsivating (2022: 17) using the term understanding when telling the prosecution regarding intercepted telephone conversations that the words must 'be understood to mean that those implicated, and especially Thorkildsen, are satisfied that she is able to document what she believed had happened seven years earlier'.

A problem in non-professional investigations is investigators suffering from tunnel vision. Very different from the popular use of seeing the light in the end of the tunnel as a positive outcome, tunnel vision is suffering from not seeing what is outside and thus ignoring alternative avenues for interpretation. Non-professional investigators only see the light at end of the tunnel as the only possible outcome. Because of their tunnel vision, non-professional investigators can only see one acceptable outcome.

## Deterrence strategy

In the reviewed press releases, there are few serious economic crime convictions measured by the verdicts' prison length. The longest sentence in the sample is 5 years where the offender had committed investment fraud against 77 victims. The reason for this relatively long imprisonment is probably the number of victims rather than the seriousness of each investment fraud incident. Compared to the United States, such as the 75-year-old Bernard Madoff receiving a jail sentence of 150 years imprisonment, convictions are quite modest in Norway. It seems that going to prison is the most serious consequence of being a white-collar criminal and not necessarily the length of his or her stay in prison.

When Økokrim announced that they started to investigate a prominent former minister in the Norwegian government in August 2023, it sparked an idea that Økokrim's strategy might be deterrence by investigations since it is estimated that only one out of eleven (9%) of white-collar offenders in Norway are brought to justice (Gottschalk and Gunnesdal 2017a, 2017b, 2018), making white-collar crime convenient (Gottschalk 2022). By initiating investigations, an impression is created that Økokrim is not afraid of pursuing elite members in society. Deterrence is a process in which threatened or actual sanctions discourage criminal acts (Rorie and West 2022). Strategy is actions to achieve a long-term aim of being perceived as the leading organisation for combatting economic crime (Zhu and Chen 2015).

In the recent past, Økokrim has investigated several prominent individuals without ever prosecuting them, which supports the idea of deterrence by investigations rather than deterrence by convictions. Deterrence by investigations is a matter of chasing top executives and other elite members in society. An example is Jo Lunder who resigned from the position of chief executive officer at VimpelCom, a mobile phone network operator with headquarters in the Netherlands. After his resignation, Lunder was chased by Økokrim for his alleged knowledge of corruption in Uzbekistan, where several mobile phone companies, including VimpelCom, were competing for mobile phone licenses. Lunder was imprisoned. After having been investigated for several years by Økokrim, the charges against him were dropped. In the meantime, he lost on the market for new chief executive positions because of the ongoing investigation. In the end, in 2022, Lunder had to refund legal expenses to the Norwegian state amounting to NOK 400,000 (about USD 40,000). Oslo district court decided that Lunder had to pay the state to cover part of the legal costs in the compensation case that never came before the court. One month earlier, the former telecom executive withdrew the compensation lawsuit against the state; just before the trial was due to begin (Lund 2022: 12):

Lunder had put forward a record high compensation claim of up to NOK 600 million, based on past income and expected future income.

-It is a family decision. After careful deliberation with the family, I have chosen to withdraw the lawsuit. The case has been a big strain on us for the past seven years; Lunder told the newspaper in connection with the compensation case being put to rest.

-We have spent a lot of resources over several years, together with the state attorney, on countering Lunder's factual and legal claims, Økokrim chief Pål Lønseth told the newspaper in connection with Lunder withdrawing the compensation claim.

Lunder had put forward three arguments for the state to cover its own legal costs, which would be an exception to the main rule in the disputes act (Lund 2022: 12):

The arrest and imprisonment have caused Lunder great and irreparable damage and loss. It is assumed that the state does not dispute it. It is also an indisputable fact that the criminal prosecution was groundless, even if it took the police over two years to reach this conclusion'. 'The police withheld a number of key documents and information in connection with the imprisonment case. This was information that the police were aware of when they imprisoned Lunder in October 2015'. 'The state has refused a reasonable settlement offer. Already prior to the lawsuit, an initiative was taken to dialogue with the state, without it being accommodated. It therefore

became necessary to initiate legal action', writes Lunder's lawyer. Lunder made a settlement offer to the state of 'NOK 15 million as a full and complete settlement.

The settlement offer was put forward by lawyers Sven Eriksrud and Edvard Stulien at law firm Schjødt. The state did not accept it, and the court did the following year assign no weight to Lunder's three arguments. Deterrence strategy by investigation implies here that Lunder received a penalty from Økokrim that was never possible for him to contest in court since Økokrim terminated the case ahead of prosecution. The penalty for Lunder was suffering from negative public attention, lack of job opportunities, and time spent in detention and interrogation as an accused that had to explain himself. The press release from Økokrim seemed to celebrate that Lunder had to pay:

The former CEO of VimpelCom, Jo Lunder, sued the state on the basis of Økokrim's investigation into gross corruption. Prior to the lawsuit, the state's civil rights administration had rejected Lunder's claim for compensation. The case was part of a larger international investigation into corruption in Uzbekistan. The telecommunications company VimpelCom admitted that corruption had been committed, and pays 795 million dollars in fines and forfeiture to the American and Dutch authorities. Økokrim investigated what knowledge Lunder had when he approved a transaction in 2011 in which 30 million dollars was transferred to a company controlled by the daughter of the former president of Uzbekistan. The case was dismissed following the state of the evidence on October 31, 2017. Økokrim takes note that Lunder has withdrawn the lawsuit, where he claimed, among other things, that Økokrim acted negligently when arresting him. We have spent a lot of resources over several years, together with the Government Attorney, to counter Lunder's factual and legal allegations. I assume the other party now realized that our case was so strong that there was reason to withdraw the lawsuit. We believe that Lunder himself bears the risk of the suspicion of corruption, and that Økokrim cannot be blamed for the arrest and presentation for custody.

The incident that sparked the idea that Økokrim's strategy might be deterrence by investigations was the press release communicating that Økokrim would start investigating a prominent former minister in the Norwegian government in August 2023 (Økokrim 2023):

Økokrim opens an investigation against former minister Ola Borten Moe. In July, Ola Borten Moe admitted that he violated the government's impartiality regulations when he attended a government meeting in January about a multimillion-dollar contract for the ammunition manufacturer Nammo. Økokrim has now decided to start an investigation to look into whether criminal matters may have taken place in connection with Ola Borten Moe's purchase of shares in the Kongsberg Group in 2023. Trust that the purchase and sale of shares takes place within a transparent and well-functioning securities market is a prerequisite for our financial system. It is important that the suspicion that has been expressed against Ola Borten Moe is fully investigated. It is particularly important because Ola Borten Moe was a member of the government when he bought the shares, and the suspicion is that he may have misused information he has received as a politician and member of the government. The case is therefore also about trust in our political and democratic system. It is difficult to obtain the necessary information without a thorough investigation. The investigation is launched immediately. It is too early to estimate how long time Økokrim will spend on the investigation. In any event, it will continue throughout the fall season. -Ola Borten Moe has expressed that he will contribute to the best of his ability to inform the case. This is important and positive, says Økokrim chief Pål Lønseth.

This press release received attention in all major media in Norway. No commentators expressed criticism so it seemed to be successful impression management in the event that Økokrim would later close the case by failing to prosecute, yet behaving like a court of law (Gottschalk 2023d): 'Økokrim is unfortunately becoming a court where suspects have few opportunities to defend themselves'. The Norwegian public broadcasting corporation later that day interviewed the Økokrim chief for the evening news on television about the resigned minister that Monday, 21 August 2023 (NRK 2023):

Now Økokrim will investigate whether Borten Moe also did something criminal. The investigation will begin immediately. When did the ministers learn about the arms contract with Nammo announced on 13.1.2023? Just days earlier, Ola Borten Moe bought shares for NOK 415,000 in the Kongsberg Group.

Økokrim chief: It is suspected that a politician has abused his position as a politician. Confidence in our political and democratic system is an important consideration in our decision. Only through investigation can we get to the bottom of this.

TV Reporter: Could it be appropriate to question others in the government?

Økokrim Chief: We cannot rule anything out. We investigate in the usual way, and obtain the information we need.

TV Reporter: How is your access to internal government documents and classified documents?

Økokrim Chief: Fortunately, it's not something we do every day, so we will get back to it later.

TV Reporter: But you have access to it?

Økokrim Chief: We will get back to that.

Then a law professor in business school was next to be interviewed by NRK (2023):

TV Reporter: Now the police will dig into government memos and other secret information. How special is this in the Norwegian context?

Law professor: It is very special. That a minister is investigated for private financial dispositions made in connection with the position of minister. I don't think that has happened before. But it is natural that it happens when the case has received such attention. It must be investigated to remove any doubt that the case is not taken forward, because it is a politician that Økokrim is reluctant to look at it.

TV Reporter: High-profile ministers may be summoned for questioning. There is a risk of leaks. Does the case pose a risk to the government?

Law Professor: It has potential of becoming terribly difficult. Both when it comes to the number of people involved on the interrogation side, but also because Økokrim can come across similar incidents. It can become an ongoing issue over a long period of time. But it can also quickly be established that there has been nothing punishable here. It depends on how Økokrim sets this up.

TV Reporter: Ola Borten Moe is currently a suspect. What are the consequences if he is found guilty?

Law Professor: As you point out, there is a long way to go before a conviction is reached. But Norway is the strictest state in Europe, perhaps even in the world, in enforcing the ban on insider trading. There is no fine or suspended prison sentence. Then it is incarceration.

There is an interesting issue generally regarding law enforcement efforts towards politicians. Such efforts have long traditions in the United States as exemplified by various prosecutions of former president Donald Trump in the United States in the summer of 2023. There was no such tradition in Norway so far (Gottschalk 2023c). However, it seems that Økokrim is trying out if the police have a role to play on this field. While lawyers may argue that violating the law should be prosecuted independent of the role of the offender in society, some public figures in Norway seem to argue that there is a distinction between politics and law with a grey area where the criminal justice system does not necessarily have a role to play.

A third example of possible deterrence strategy by investigation at Økokrim was of a lawyer who on behalf of his law firm was accused of attempting to bribe an executive at a company to get the company as a client for the law firm (Sinnes and Waalen 2023).

Impression management at Økokrim would require resources. While there previously was only one employee involved in public relations work at Økokrim, there were three employees in 2023. This increase in PR staff occurred while there was no significant growth in the overall number of people at Økokrim.

Deterrence strategy by investigations implies that Økokrim passes penalties on suspects who never have a chance to defend themselves in court. The penalty, as in the case of Lunder, is suffering from negative public attention, lack of job opportunities, and time spent in detention and interrogation as an accused where they have to explain themselves. Økokrim then behaves like a court where they punish people. However, that is a role assigned to judges and not to investigators or prosecutors. Økokrim (2023) argues that 'it is difficult to obtain the necessary information without a thorough investigation'. While this is certainly true, a policing principle seems forgotten that an investigation should only be launched when it is pretty obvious that crime has indeed occurred by a criminal.

## Conclusion

This article addressed the following research question: How does impression management following a scandal work in the Norwegian police unit Økokrim where deterrence by investigation seems to be the strategy? The empirical evidence from Norway indicates that impression management works quite efficiently and effectively for Økokrim despite the agency's reduced focus on taking serious white-collar crime cases to court. The media as well as the general public seem to trust Økokrim without questioning the strategy of deterrence by investigation. A range of cases utilized as well as the press releases in this article underline that deterrence by investigation rather than conviction is the preferred tool for Økokrim management. The cases and press releases also show how small fish are pursued and the bigger fish get away. The main case on which the argument in this article is built – the scandal – combined with the subsequent use of newer case studies and press releases presents evidence that the authority chooses out-of-court settlements of low hanging fruit out of incompetence and as a result of the earlier scandal.

An example of trust is the interview statement from the Økokrim chief of 'We will get back to that', which seems very unsatisfactory, since it does not answer the reporter's question about access to classified documents – and so needs to be interrogated and interpreted. This does tell us about Økokrim's powers and lack of transparency – and, regarding the latter, public trust in the organisation and the rule of law.

Økokrim's impression management and deterrence strategy should be a matter of criminal justice concern both in cases where there are no real grounds for suspicion and in cases where suspects are deprived of the opportunity to defend themselves professionally in court. An initiative suggested in this article to improve the situation is to remove the dominance of lawyers at the stage of investigation and make greater use of experienced police detectives at Økokrim so that state attorneys have a better foundation when later prosecuting in court.

There is a need to be critical of the presented research. The article might be perceived as a classic example of researchers being so involved in their project that they do not adequately unpack their assumptions. It might seem that the article takes a normative stance on Økokrim that suffers the danger of coloring research findings in a certain way. Furthermore, the research method has weaknesses that need to be addressed in future research. For example, the press releases were analyzed qualitatively by only one experienced researcher without any form of tool used to structure the process in terms of how the data were interpreted.

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