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# 10 Dutch penal law and policy Notes on criminological research from the Research and Documentation Centre Ministry of Justice The Hague The Netherlands

**Centre Ministry of Justice The Hague The Netherlands**

**Commercial robbers and decision making** by G.J. Kroese and R.H.J.M. Staring

It was not until 1965 that the first bank robbery was committed in the Netherlands. Since that year the number of robberies on banks and other commercial targets rose dramatically. Almost every year shows an increase in the number of robberies. This dramatic increase (table 1) made banks decide to protect themselves and their customers by taking security measures like bulletproof glass, cameras and silent alarm. The cost of these security devices surmounted the direct financial

damage as a result of the robberies. Because of the alarming increase in the number of armed robberies in the Netherlands the Minister of Justice decided in 1987 to set up a committee, composed of representatives of the Justice Department, the police and the banking world. From the members of this committee a board was formed to arrange and guide research of offenders of robbery. Concern about the ever increasing number of robberies – in spite of all security measures – more than ever raised questions about the background of robbers, about what brings them to their offence, and about the way they set about the preparation and execution of the robbery.

These and related questions resulted in this research into the motives of robbers and the choices they make. The project was set up and carried out by the Research and Documentation Centre in cooperation with the Department of Sociology of the University of Amsterdam and was completed in 1993 (Kroese and Staring, 1993).

### Research design

From October 1989 until March 1991 fieldwork was done in five prisons. In every institution a period of four to six weeks was spent on gaining confidence of inmates through frequent contact and participation in work and recreational activities, before interviews were conducted. In all, 43 offenders took part in this study, constituting about one fourth of all incarcerated commercial robbers in these five prisons. All of them were interviewed several times and at length.<sup>1</sup> Internal and external validity of the data thus gathered were determined by comparison with the data from other sources: police records concerning the robberies for which the respondents were incarcerated, the General Documentation Register of the Ministry of Justice, and the robbery database of the National Criminal Intelligence Service (CRI).

### Theoretical perspective

There are several theories that try to explain the disposition of individuals or groups to engage in criminal behaviour. Most of these theories fix on the persona of the offender. The offender is said to have a biological, psychological or sociological make-up that gives him or her a criminal disposition.

Besides these dispositional theories of crime, that try to answer the question *why* people engage in criminal acts, there is a trend to give more attention to *how* criminals act. In these studies crime is often seen as work (Sutherland, 1937; Letkemann, 1973; Lejeune, 1980) or doing business (Åkerström, 1985).

The idea that more attention should be given to what criminals *do* than to how they *have become like that* is also advocated by Clarke and Cornish, in what they call the 'rational choice perspective' (Clarke and Cornish, 1985; Cornish and Clarke, 1986).

This 'framework for research and policy', as they call it, concentrates not only on the criminal disposition of the offender but also on situational characteristics. Choices made by an offender are seen as the outcome of both his personal history and the situation he finds himself in. Clarke and Cornish' vision on crime implies some

degree of rationality of offenders. They stress that delinquents should be seen as 'reasoning decision makers'.

The framework for research presented by Clarke and Cornish was used in this study to map the background of robbers, the situations they are in at the moment of their offence and the choices they make before, during and after the robbery.

### Offender's backgrounds

Most respondents (39 out of 43) had the Dutch nationality. Table 2 shows their ethnic backgrounds and ages at the time of the (last) robbery.

Practically every robber in this study grew up in one of the larger cities in the Netherlands, almost half of them in the Amsterdam, Rotterdam and The Hague. One third of them lived during their secondary socialization (12-18 years) in a neighbourhood they depicted as 'criminal'. Like many other authors we found an overrepresentation of persons from the lower classes.

Half of the respondents characterized their youth as problematic. Death, illness or alcoholism of one of the parents were, like divorce, at the basis of tensions in the family. As a result of domestic problems six respondents lived part of their schooldays in boarding schools, while others fled the parental home.

Remarkably enough, most respondents, irrespective of their valuation of their youth and their family situation, did not claim any connection between their family background and the criminal acts they committed later on in life. They do not blame others for their deviancy, but take full responsibility.

In general the robbers in this study had less schooling than average. Most of them did poorly at school, as a result of lack of interest and not being able to function in a school system they experienced as oppressive. Arguments and fights with teachers, frequent changes of (types of) schools and unfinished courses were the rule rather than the exception. Some robbers on the other hand had more than average schooling, two of them had attended university.

More than half of the respondents were unemployed at the time of the robbery, fifteen of them had been out of work for longer than two years. Most robbers have worked legally, mainly during short periods of time and usually in low qualified jobs. When offenders held legal jobs, these were often combined with criminal means of generating income.

Most robbers could not fulfil the demands of discipline and regularity in school and at work. As in school, in

<sup>1</sup> For a description of the way we carried out fieldwork in prison, see Staring and Kroese (1991).

Table 1: Number of robberies on banks and post offices, including money transports, and other commercial targets\* per year

	Banks, post offices and money transports	Other commercial targets	Total
1980	240	283	523
1981	298	396	694
1982	246	324	570
1983	232	347	579
1984	273	404	677
1985	399	510	909
1986	414	517	931
1987	499	647	1146
1988	482	532	1014
1989	515	638	1153
1990	520	935	1455
1991	639	928	1567

\* Robberies on targets like private residences, taxi drivers, etcetera and the various forms of mugging are excluded.

Table 2: Respondents by ethnic background and age at the time of the (last) robbery

Ethnic background	Age in years				Total
	<20	20-24	25-29	>30	
Dutch	3	15	2	6	26
Surinamese-creole	1	1	2	-	4
Surinamese-hindustani	-	3	-	-	3
Antillean	-	-	1	1	2
Indonesian	-	-	1	1	2
Moluccan	-	2	-	-	2
Turkish	2	-	-	-	2
English	-	-	-	1	1
Portuguese	1	-	-	-	1
Total	7	21	6	9	43

the workplace hierarchical relations evoke aversion. All in all the background of the robbers in this study looks anything but bright. Some of them experienced relatively few problems during their youth, but most had difficulties in the family, in school or at work, often in combination. Although these problems do not necessarily lead to criminal behaviour and cannot sufficiently explain the decision to commit robberies, these problems in many cases restrict the legal opportunities to meet several basic wants.

### Criminal careers, goals and a typology

Using differences in criminal careers and the goals of robbers, three types of robbers are distinguished: *beginners*, *professionals* and *desperation robbers*. Beginners and professionals take a similar route to the point where they commit the first robbery. Both types go through a long criminal career before they take the step to robbery, a career in which mostly property crimes were committed like burglary and theft. Burglary being the most popular; robbers of these types have been burgling long and frequently in the past.

Problems in the family and in school contributed to the joining of deviant groups in puberty. At the outset they committed petty crimes. As the criminal career of beginners and professionals advances the offences become more serious and more complicated, which involves a shift in goals. Where in the primary phase the emphasis is on excitement and pleasure, in the secondary phase committing crimes is more looked upon as work and emphasis is on the money that can be gained by it.

The choice for robbery is for the most part a rational one. Initial offences do not yield enough in proportion to the risks they entail and the effort they take. Other important incentives for changing over to robbery are the possibilities this offence offers for living in grand style and the prestige that can be gained with it. Furthermore, committing robberies can provide the offender with a pleasant sense of power. Although the need for excitement and play decreases as the criminal career develops, it stays an important aspect of committing robberies, albeit more for beginners than for professionals. Another difference between beginners and professionals is the way they spend the money they make by committing

robberies. Beginners always spend all of the loot very fast. Professionals too, spend huge amounts, when possible, but sometimes invest part of the money in other (legal or criminal) enterprises.

When desperation robbers commit their first – and usually only – robbery, they have no significant criminal past. Some offenders of this type did not have any antecedents, others committed in a distant past a negligible number of trivial offences. In the latter case a long period of time always existed between these youthful indiscretions and the robbery, a period in which they went to school and did legal work.

Desperation robbers come to their offence on less rational grounds than beginners and professionals. Characteristic of the desperation robber is his discontentment. Dismal changes in work, trouble with their partner and other personal problems lead to a robbery. Often these problems concur with long-standing debts, that – in the eyes of the offender – can not be redeemed in a normal way.

These offenders have only one goal: the robbery as expedient. Desperation robbers often know people that make a living from criminal activities. These acquaintances present them with an alternative, seemingly easy way of generating income. If the desperation robber thinks he has no legal options left, this way of life can become very tempting and the step towards committing a robbery becomes a small one.

## Preparation

In preparing for a robbery a number of aspects can be discerned: choosing partners, choosing a target, observing the target, choosing a date and time for the robbery and obtaining appliances. The three types of robbers differ greatly in the way they go about these preparatory activities.

The desperation robber has virtually no criminal contacts and therefore commits his robberies mostly alone. The beginner attempts to overcome his insecurity by operating in a relatively big group. His partners are acquaintances who have no necessary experience with committing robberies. The professional acts with a small team of trusted partners. Especially the professional can boast on extensive contacts in the robbers subculture and therefore has no trouble finding experienced partners.

In choosing a target the anticipated amount of money plays an important role for beginners, and even more so for professionals. Desperation robbers pay very little attention to the possible loot. They are content with almost every amount they seize. They chose a target primarily on the basis of security measures and the number of customers and personnel. If these features make it necessary to exercise a lot of force, desperation robbers decide against the target.

A second element of selecting a target has to do with the chance of being caught. This risk is determined by several situational circumstances: the presence of various security measures, the locality of the target, the number of clients and personnel and the type of target.

Beginners pay relatively much attention to aspects inside the target. In particular the various security measures are observed. With the exception of the escape route, they

take less notice of aspects outside of the target. When a robber gets more professional he concentrates more on external aspects. A professional is more critical and takes greater care in choosing a target.

During the preparation phase professionals carefully observe the target. This is done less frequently and less thoroughly by beginners and desperation robbers. This finds expression in the time span between the decision to commit the robbery and the execution thereof. This interval is the shortest with desperation robbers: less than a day.

It is remarkable that desperation robbers show little readiness to apply violence. This results in the use of imitation arms or unloaded guns. Even when slightly opposed, these offenders will usually break off the robbery and leave. Beginners and professional are willing to use instrumental violence, ranging from verbal force to physical violence.

Most robberies are committed in the dark months of the year; the outfit that robbers often use – thick clothes and a balaclava – is less conspicuous then. In the choice of a moment to commit the robbery the offenders pay attention primarily to the presence of customers and to the amount of money that is expected to be there at that moment.

In principle robbers can operate with few appliances. A car, a weapon and a disguise. Many professionals also use scanners to listen in to the police radio.

In general the three types of robbers differ in the degree of preparation and rationality. The desperation robber acts the most impulsively and prepares the least, while beginners act halfheartedly. The latter conscientiously carry through some parts of the preparation, while other aspects of it may be handled in a clumsy way or overlooked altogether. Professionals especially demonstrate a high degree of preparation and rationality. This does not show so much in a longer preparation period, but rather in purposiveness. Because the professional is the most experienced he knows exactly what factors are important. In this way the preparation period can be shortened and his time and energy can be used more effectively. This leads to the seemingly paradoxical conclusion that professionals can successfully execute a robbery virtually 'unprepared'.

## The robbery

There is great variation in the way robberies are conducted. Control over the situation as well as the threatening with violence and the state of mind of the offenders differ. With regard to escalation of violence beginners are particularly unpredictable. Because of a poor preparation, inexperience, nervousness and agreements that are changed in the last minute or on the spot, beginners regularly resort to disproportionate violence in an attempt to hold control over the situation and to get away with money. Often these robbers can be recognized by their behaviour. If unexpected events occur they get confused and as time goes by they get more nervous, even to the point that they call themselves by their names. Bank personnel and clients do good not to obstruct the offenders in any way. When obstructed, desperation robbers leave

the premises. Professionals on the other hand increase the threat of force in a controlled manner and don't shun using instrumental violence.

Although virtually every offender says he experiences at least some nervousness when committing a robbery, one type of robbers can handle it better than the other. While beginners will sometimes use drugs to suppress their tension, professionals see nervousness before committing the offence as something that is part and parcel of a robbery. Once a robbery is in progress they are in control of their nerves and know exactly what to do, even to the point of reassuring and calming down their victims if required.

Almost every robbery leads to the seizure of money. In just four cases the offenders had to leave the premises without having attained their end. Even badly prepared robberies often still yield money. The highest amounts are seized from banks and post offices, targets that are favourites of professionals. Because of the selection of these targets and their experience in committing robberies these offenders had the highest average loot. Beginners seize the lowest average loot. This is mainly due to the fact that for the most part they ignore the commercial money institutes and opt for targets like supermarkets and petrol stations. They designate these targets as easy to rob, but there is not much money to be seized by doing so. When the robbery is under way there seems to be relatively little that stands in the way of success. The offenders commonly are inside the target for a few minutes only; too short a period to actually do something against it. At best the size of the loot can be restricted by safety measures. Pneumatic dispatch seems to be the only safety measure that makes robbers reject a target. Cameras and silent alarm are evaded or incorporated into the modus operandi and do not prevent robbery. Personnel and clients better stay quiet and follow the orders of the offenders. This is particularly important in robberies that are conducted by beginners or professionals. In the former case because obstruction can lead to an unpredictable, relatively senseless and non-instrumental outburst of violence, in the latter because the professional will intensify his threatening and sometimes apply instrumental physical force. During the robbery there is little to be gained for the police, most of the time they are too late. Robbers are more vulnerable where preparation and flight are concerned.

### The escape

According to the offenders the flight is one of the most important elements of a robbery. During the preparation phase relatively much time is spent on the escape and the possibilities of flight play an important role in choosing a target. Especially the presence of many streets and more than one motor way in the vicinity of the target is of the utmost importance, according to most offenders. For this reason most robbers prefer cities over villages to commit their offence. A village has the extra disadvantage of providing less anonymity, which also hampers the flight. Most offenders flee to a house of one of the members of the team, where the loot is divided. In most instances a car is used for the flight, professionals often use more than

one car. One changes cars shortly after the robbery. Other forms of transportation are considerably less popular. Professionals practically always use cars that are stolen or rented under a false name. Beginners and desperation robbers sometimes make the mistake of using their own car in the robbery. Ignorance, lack of financial means or not knowing car thieves are often the cause of this. If attentive passers-by write down the registration number of the car an arrest will follow shortly.

Most of the time a conjunction of circumstances leads to apprehension of the offender(s). Besides mistakes, the indiscretion of arrested fellow offenders is often the basis of an arrest. Jealousy of criminal colleagues can have the same result. Some robbers moreover brag about their robberies and some spend their newly acquired riches in too conspicuous a manner. Seldom do robbers see their apprehension as a result of their own mistakes or of efficient detective work. Beginners and professionals, who are more experienced when it comes to police interrogations, are more capable of complying with the – in the criminal world important – norm of keeping silent.

### Opinions of robbers

Remarkably enough, all offenders share the opinion that criminals should be punished; robbery too should not go unpunished. Although the offenders feel that the punishment for bank robbery – in comparison with other 'really vile' offences like 'mugging old ladies' – is too severe, in general they don't object to the robber being punished. 'Real men' accept detention as an occupational hazard. Especially beginners view prison as a place where useful contacts can be made and where one can learn the tricks of the trade. Although nobody experiences detention as pleasant, this circumstance alleviates the detention. In many ideas of robbers a distinct conservatism shines through. They see themselves as enterprising, free men that make use of their chances where they see them. This conservatism is also found in the way robbers speak about the way they see their ideal future. Most of all they would like to live a stable and settled life.

Although most robbers do not show remorse about their robberies, many of them do feel a need to justify their actions. The two most used techniques of neutralization (Sykes and Matza, 1957) are the denial of injury and the condemnation of the condemners. Assertions that banks can easily bear the loss of money and that nobody is harmed, and that others who are no more sound in the faith than they are, are not prosecuted, can be heard continuously, when talking to robbers. This does not mean that anything is admissible. Most robbers apply moral boundaries. Violence, for instance, is only permitted if it is used in a controlled manner and solely for the purpose of obtaining the money. This is called 'meaningful' violence. A sensational robbery on a supermarket during the time the fieldwork was done, where two members of the personnel were shot while they were lying down because they were not able to hand over the key to the safe, was commented on by the inmates for days in a row. All condemned the excessive violence used in this robbery. This is an example of what robbers call 'senseless' violence. It is not just morally rejectable, it also 'ruins the

market', like some robbers remarked.<sup>2</sup> Moral boundaries are also applied when it comes to the judgement of other offences. Especially muggings and the robbing of people who are financially less well off, are disapproved of. Without minimizing the gravity of the offence robbery, it can be asserted that especially professionals have a code of honour.

Speaking about the police, robbers make a definite distinction between police in uniform and the detective force. The former is ridiculed, spoken of and thought about in an overbearing way. The detective force on the other hand is looked upon with respect, it is an opponent not to be underestimated. Professionals estimate the chance of being arrested to be about 50 percent. Beginners are less unanimous. According to them this chance ranges from 30 to 90 percent. These estimates are all too high (about one third of all robberies is solved in the Netherlands), but do not lead to shunning from robbery. For desperation robbers the chance of being caught is not part of their considerations. It is therefore a question whether the number of robberies will decrease if the chance of being apprehended would increase significantly.

### Social organization and contacts

A robber can work autonomously and carry out his offence without the cooperation from other criminals. Normally this will only be done by the offender who lacks significant contacts in the criminal world: i.e. the desperation robber. As opposed to this type, beginners and professionals are strongly entwined with others in the criminal world and commit their robberies almost always together with colleagues.

The relations in a team of robbers are characterized by a great deal of mutual distrust. This is one of the reasons that the composition of these teams changes regularly. Teams of professionals are more stable and the members trust each other more than beginners. Of all teams of robbers can be said that there is no real leadership and that they are imbued by an ethos of equality.

As their criminal careers develop, beginners and professionals – partly perforce – turn more and more to other criminals, at the cost of contacts with 'squares'. On the other hand robbers utilize these contacts with non-criminals to secretly obtain useful information. Moreover, there is an area where contacts between criminals and non-criminals can produce mutual benefits: information and prestige for the criminal, financial gain and the satisfaction of the search for sensation for the non-criminal. The idea that robbers constitute an isolated segment of society may be reassuring but is nonetheless false.

### Continuing involvement or desistance?

Committing robberies has both advantages and disadvantages. Like we saw, the advantages are: quick and easy money, prestige in the criminal world and friendship and excitement. The disadvantages are: the risk of being arrested and the high penalties when caught.

During the period of imprisonment the offender will weigh the positive and negative aspects of this offence and arrive at one of the following decisions: continue committing robberies, stop committing robberies but continue with other criminal activities, or stop all criminal activities. Discontinuing robberies, and even more so breaking with all crime, is a decision that is only made when the various motives for stopping pile up. Especially the latter, breaking with a life style in which crime plays an important role, means choosing a path with huge obstacles. It is a choice that is only made when the problems that come with a criminal life have become so many that this decision seems inevitable.

For a desperation robber there are only two real options: continue committing robberies or break completely with crime. Most of the time he will not want to commit new robberies after his detention period, because the problems that drove him to this offence in the first place, have been solved or mitigated in the meanwhile. He has accepted that his girlfriend or wife left him, an arrangement has been made for his financial debts and the detention has made him see that his robberies were the product of despair and that he would have done better to find another solution for his problems. Nor is it his intention to engage in other criminal activities after he is released from prison. He lacks the necessary knowledge, the criminal contacts and the readiness. Probation officers will therefore be most successful with this type of robbers.

Yet, a certain caution must be exercised. Some desperation robbers have been committing robberies so frequently and for such a long time that they acquire traits of professionals, not only in the way they execute their robberies, but also in their opinions and ideas. These desperation robbers sometimes have the intention to continue a life of crime, albeit most of the time not by doing robberies.

Beginners relatively often plan to continue committing robberies after their detention period. In prison they have often learned so much that they think they will be more successful with future robberies. For this reason the choice for other offences than robbery is relatively rare. It only happens when a beginner comes to the conclusion that he does not have the right temperament for committing robberies. Mostly he will then return to offences like burglary, that suit him more. Very few beginners plan to give up crime altogether after they are released from prison, only religious converted beginners have this intention.

Professionals often show a weariness in relation to committing robberies, a weariness that either manifests itself in an intention to engage in higher, less risky criminal activities in the future or in a (new) attempt at living a more or less 'square' life once they are released from prison.

### Summary

Using differences in criminal careers and the goals of robbers, three types of robbers were distinguished: *desperation robbers*, *beginners* and *professionals*.

2 A more detailed account of robbers' opinions about armed robbery and the actual use of violence can be found in Kroese and Staring (1991).

Desperation robbers lack a significant criminal career and commit their first and often only robbery in an attempt to surmount piling financial and personal problems. When beginners commit their first robbery they have been criminally active for years, a period in which the severity and the frequency of the crimes committed increased. By committing robberies they make the switchover to 'the real thing', and thereby gain more prestige. Besides prestige, beginners strive for a life in great style and for satisfaction of a need for excitement. Like beginners, professionals have been criminally active for a long time, but they committed more robberies than the former. Professionals too aim at prestige and a way of life in which conspicuous consumption plays an important part. Unlike beginners however, professionals also intend to invest the stolen loot in legal or illegal enterprises.

The three types of robbers also differ in the choices made during the planning and execution of the robbery and the readiness to use violence. Desperation robbers and beginners, as opposed to professionals, commit their robberies relatively unprepared. All robbers denounce violence that goes beyond the force needed for the successful execution of the robbery, the so-called 'senseless' violence. Desperation robbers lack even the willingness to use more violence than threat; when confronted with opposition of victims, robbers of this type will usually break off the robbery. Desperation robbers therefore choose an object and a moment for the robbery that enables them to commit it with a minimum of force. Robbers from both other types are prepared to use physical violence when needed. If a professional uses more violence than threat, he usually does so in a well-considered, rational and restricted manner. Beginners, when facing unexpected events, will – due to their lack of experience – panic easily. In an attempt to regain control over the situation, they will sometimes resort to extreme, 'senseless' violence. Beginners and professionals select their target and the moment of the robbery primarily on the basis of the expected loot and the possibilities for flight. Robbers who have a criminal career prior to their first robbery, e.g. beginners and professionals, show a strong aversion for discipline and hierarchy. This manifests itself not only in their school careers and their employment histories, but also in the egalitarian relations and the absence of leaders in teams of robbers.

Only desperation robbers show remorse about the suffering inflicted on their victims. Beginners and professionals use mainly two techniques of moral neutralization: denial of injury and condemnation of the condemners. Detention results in a re-evaluation of the readiness to commit more robberies. In prison, only desperation robbers seriously consider desistance from crime. Both other types of robbers view detention as an occupational hazard. Especially beginners make a virtue out of a need and gain useful knowledge and contacts while staying in prison. Detention can contribute to recidivism of these robbers.

Although differences exist between the choices made by robbers of the various types before, during and after the robberies, all of them make – given their situation and experience – rational decisions. By using the perspective of the reasoning criminal it became clear that many sorts of

seemingly irrational decisions of robbers become intelligible and can be labelled rational if the boundaries of knowledge, experience and morality of the different types of robbers are considered.

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