



# Understanding the practices behind money laundering — A rational choice interpretation

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Available online 29 March 2015

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## Abstract

The adoption of broad criminological theories has enriched understanding as to why people commit crime. Often integrated to create clear understanding, criminological theories have become instrumental in supporting the development of tactical and strategic preventative activities aligned beside a myriad of crime types. Although theoretically diverse and seemingly universally applicable, recent research indicates the most appropriate theoretical criminological perspective for increasing understanding surrounding the process of money laundering is the rational choice theory. By understanding the rational decisions made by the criminals involved in money laundering, rational choice theory uncovers the association between everyday circumstances and explicit driven activities. Accordingly, the application of rational choice theory when applied to money laundering reveals how at this, the uppermost level of organised criminality, a risk diverse process strictly exists in which every decision made is consistently rational.

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*Keywords:* Criminological theories; Organised crime; Money laundering; Crime prevention; Rational choice theory

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## 1. Introduction

Manifested from a need to secure the profitability and the enjoy-ability of illicitly gained financial funds, money laundering has become instrumental in both the success and collapse of organised crime (FATF, 2014). Unable to cleanse illicit funds creates a situation in which criminals are unable to reap the entire benefits of a predicate crime. This article clarifies the

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scope for understanding money laundering using the rational choice theory. By understanding the rational decisions made by criminals involved in the cleansing of illicit funds, it is possible to expand current understanding of the money laundering environment, assisting both investigations and those activities envisioned to prevent money laundering.

## 2. Organised crime and money laundering

Organised criminal activities are widespread, nurtured by the diversity of methods, people, and regions now besieged by the various parties involved in criminal undertakings. Together, however, these relatively simple issues control the significant challenges facing regional and national law enforcement agencies. Increased use of technology and migrating populations have shaped the sphere of organised crime—defining a now unimaginable and complex environment within which it is almost impossible to define boundaries in criminal activities or the level of involvement. Portraying the achievements of organised crime are the criminal activities and the geographical spread from which these activities have acquired. Success, nonetheless, at all levels, has not happened by chance. Criminals have become attuned to identifying rational opportunities for facilitating crime, reinforced by legislative inconsistencies, technological advancements, and consumer behaviour. Ironically, organised crime has expanded into new voids, seeking novel opportunities caused by general occurrences and the globalisation of various commodities and markets.

Providing an aura of legitimacy enabling overt enjoyment reflected by the purchasing of lavish items for example, money laundering has become characteristically associated with organised crime. Representing the *finale of crime*, realised by the way through which money laundering enables the continual funding of criminal activities, the cleansing of illicitly gained funds has typically been achieved through a three-stage money laundering process of placement, layering, and integration—a process that has become synonymous with defining the modus operandi of *all* money laundering methods. Without money laundering, the benefits from predicate crimes such as drug smuggling, people trafficking, fraud, and cyber crime would not be entirely accessible.

Similar to organised crime, the characterisations depicting money laundering have defined the process as widespread in terms of the opportunities through which the process can take place and the various locations capable of facilitating such processes. In the past, attempts to define known money laundering processes have been somewhat superficial, failing in most part to discuss in detail the “actors, financial flows and behaviours involved in carrying out these activities” (Irwin et al., 2012: 86). As lists depicting the many methods used to facilitate money laundering remain plentiful (Unger and Den Hartog, 2012), methods continue to vary from the most basic (Duyne et al., 2005; van Duyne and Levi, 2005) to the highly sophisticated (Merlonghi, 2010). Seemingly, low-level criminals are less likely to use the same methods as sophisticated organised criminal groups, not only due to the practical implications surrounding such methods but also because no one method may sufficiently serve both parties. Nevertheless, current methods of money laundering remain “limited only by the imagination of the criminal enterprise” (Arnone and Borlini, 2010: 236). With many methods also now taking place through one or more aspects associated with the Internet (Grabosky and Graycar, 1996; Nair and Vaithilingam, 2007), the complexities for those involved in detecting and preventing money laundering have become all too common (Duyne et al., 2005). This diverse and continually changing landscape indicates how theoretical understanding of organised criminal activities, in particular money laundering is now more

than ever, a vital factor in managing the development of specific and plausible preventative measures.

### 3. Rational choice and money laundering

Criminological theories have become instrumental in hypothesising theoretical predictions as to *why* people commit crime. Originating from the development of criminology perspectives and understanding, criminological theories provide orderly, hypothetical clarification about a criminal's behaviour, serving to provide understanding grounded on existing knowledge of how crime should be controlled and prevented. Seemingly, understanding of such theories can improve preventative efficiently. However, the value of these theories towards a holistic management of suitable preventative methods and long-term strategies seems somewhat doubtful, based upon the need to satisfy pre-existing perceptions created through a formulation of obligatory linkages and retrospective assessments.

As a key criminological theory, rational choice theory, defines how criminals follow an identifiable cost-benefit analysis, displaying preferences for easy, rewarding, and safe crimes while taking into account risk, effort, and the potential reward (Clarke, 1997; Tilley, 2009). Since crime is never a random event and people remain predictable in their habits and behaviours (Hobbs et al., 2005), offenders typically offend where the benefits offset the risks identified. Focussing largely on the 'micro-level', rational choice theory places emphasis on explanations of crime at the individual level or more specifically at the actual location of the crime. In doing so it supports understanding of the people involved, their interpersonal interactions, and the decision-making process of potential offenders (Chiu et al., 2011). While traditional criminology can suggest a criminals conditioning along with the environment in which they live, work and socialise drives an individual to commit crime, rational choice theory focuses instead on the "careful thinking and sensible decisions" (Felson, 1993: 1497) made by the criminal—not what drove them to commit a particular crime.

As a crime prevention tool, rational choice theory further establishes how potential offenders rarely select targets completely at random, instead demonstrating how careful deliberation takes place around whether or not to commit a particular offence (Ainsworth, 2002). While rational choices made by the criminal can vary from crime to crime, rewards in most instances are offender specific, increasing the variance of decision-making scenarios and suggesting rewards are subjective to the offender's circumstances. Nevertheless, theorists of rational choice claim "that regardless of whether an action is perfectly rational, partly rational, or wholly non-rational, it is always rational from the perspective of the offender" (Tierney, 2009: 13) suggesting the criminal is always correct in what they think before and during the commission of a crime. Rational choice theory also presumes crime is deliberate and purposive. Therefore, to accurately understand *how* and *why* people commit crime it may also be necessary to address the deviant behaviour by way of the emotional aspect (Frazier and Meisenhelder, 1985) determining how impulses, feelings, and emotions can also have a direct influence on human actions.

Despite criminological theories having now become essential facilitators in determining the viable causes of crime, creating an opportunity to support the identification of carefully selected preventative opportunities, focus remains directed towards understanding the criminal rather than their criminal actions. As the description of rational choice theory has determined, the decisions a criminal makes are characteristically rational and typically aligned to a cost-benefit analysis. Whereas, routine activity theory (see Cohen and Felson 1979; Felson 1994, 2006) attempts to remove speculation as to why an offender was inclined to commit a crime, instead

attempting to determine specific points in which it is more appropriate to consider introducing crime prevention opportunities. Likewise, self control theory (Bradley and Walters, 2011) and individual trait theory (Schechter, 2003), two common criminological theories focus specifically on the offender, and in doing so, restrict opportunities to thoroughly understand the methodology behind the activities that support, in this case, the rationale behind the decisions taken by the criminal. Likewise, opportunity structures also provide understanding of social movement and how which limit or empower actors. The argument here is not that rational choice theory is superior to any of the other criminological theories; simply it is more appropriately aligned to understanding why certain money laundering methods and particular practices take place.

#### 4. Method

This article is taken from the findings of a two-year United Kingdom based study that set out to test the applicability of situational crime prevention against money laundering. The findings stem from the analysis of 170 questionnaire responses and 12 in-depth interviews with anti money laundering (AML) experts and practitioners from across 11 professional AML backgrounds. These included members from policing—local and national, prosecution, compliance sectors, academia, and consultancy. Detailed assessment of several open source case studies is also included.

Using a directional hypothesis “if appropriate for tackling other forms of specific crimes, then situational crime prevention can be used to reduce specific methods of money laundering” enabled an action research methodology to be applied. In doing so, the action research approach allowed the researcher to work closely with practitioners to identify problems and validate potential solutions (Clarke, 1995) as well as gather data in a controlled and methodical manner. Commonly associated with experimental research (Clarke, 1997) the action research methodology supported participant input and identified practical and applicable outcomes capable of long-term sustainment. This specific approach enabled the collection, analysis and study of the circumstances surrounding the two methods of money laundering alongside a proposal introduced by Tilley (2009) when studying the applicability of situational crime prevention. Aligning the directional hypothesis alongside the action research methodology enabled the researcher to also adopt a number of key research questions to further clarify and guide the research study. These included:

1. How is money laundering through cash intensive businesses and the purchasing of high value portable commodities undertaken?
2. What situational and environmental factors exist to facilitate money laundering through cash intensive businesses and the purchasing of high value portable commodities?
3. What tools or resources exist to facilitate money laundering through cash intensive businesses and the purchasing of high value portable commodities?
4. What crime prevention techniques already exist to overcome these factors?
5. How can techniques for situational prevention invigorate or enhance current preventive methods against these two methods of money laundering?

Developed by Clarke (1997) to support studies associated with situational crime prevention, the action research approach comprises of a five-stage process encompassing collection of data, analysis, study of preventative opportunities, implementation of feasible and economic

preventative measures, and the monitoring of implemented measures. Utilising this exact approach, crime scripts were formed using the research data collected to allow interpretation of the activities forming the process of money laundering via two specific methods: 1) money laundering through cash intensive businesses and 2) money laundering through the purchasing of high value portable commodities (see also Gilmour, 2014). Although money laundering can be undertaken through various means, these two specific methods of money laundering were selected to support this research study following an initial pilot survey which identified them as a danger to UK economic stability, profitable for organised criminal groups and easy to undertake.

## 5. Findings

There is little doubt, based upon the importance given to anti money laundering measures in the United Kingdom and globally, (see for example: Home Office, 2013; Financial Services Authority, 2014) that organised crime relies profoundly on the process of money laundering. With an invested interest, the capacity for reducing risk, effort, and increasing rewards is formed primarily by the criminal through a rational decision making process evidently established by the way in which money laundering processes are deliberate, purposeful and yet immensely discreet. Analysis of interviews and questionnaire data collected over a two-year period has concluded money launderers make deliberated choices based upon personal preferences and situational circumstances. Two distinct methods of money laundering are discussed below to support interpretation of the rational decision making processes known to take place – as determined by the research findings.

### 5.1. Money laundering through cash intensive businesses

Money laundered through cash intensive businesses seizes upon an overt opportunity that ordinarily occurs through common non-descript targets. The unassuming process behind the depositing of illicit funds generally involves a business capable of facilitating with ease the introduction of illicit funds into the legitimate financial sector. Businesses used for such a purpose may, however, have no legitimate activity, existing instead to provide cover for the deposit of illicit cash. An example of a cash intensive business was highlighted during interview:

*“The thing we look at, at the moment is tanning salons. Tanning salons you would traditionally go in and lie on the thing for 20 minutes, quarter of an hour or however long, but we dealt with one only recently one of these businesses which has vertical tanning booths where its ten pounds for three minutes. So all you need to do there is have ten booths, you’re opening 8 hours a day so you work out how many minutes that is and divide it by ten and then divide by 3 and that’s how much money you can deposit into the banking sector legitimately without having a single customer through the door. So let us look at how we can exploit that further. I go to Lloyds bank and say I have ‘happy tanning studio’ and I have ten tanning booths and I intend to bank this amount of money and they say right, we will enter into a banking arrangement with you. I then go across the road and have the same conversations with HSBC, Nationwide and of course I can open as many accounts as what people will let me and they all think they are receiving the genuine proceeds of my business” (Interviewee 8)*

Despite a focussed shift towards electronic based payment methods such as smart cards and digital cash, cash intensive businesses remain commonplace throughout the United Kingdom.

Many cash intensive businesses actively encourage the use of cash through customer targeting strategies, the services they provide, and the desire to reduce overheads. This appropriateness is recognised through the following quotes taken from questionnaire responses and interviews with experts about their experiences within the United Kingdom when investigating cash intensive businesses used for the purposes of money laundering:

*“Cash intensive businesses are certainly flavour of the month in terms of depositing criminal cash into the banking sector. It’s always been flavour of the month as they are just extraordinary difficult businesses to audit”* (Interviewee 2)

*“We have seen and there is experience of as you say cash intensive businesses and you will have seen previous research around things like nail bars and that kind of thing where you have essentially got a front company or a company, well for two reasons either a company with a direct purpose of money laundering or a business which is subsequently suborned or utilised for that purpose with or without the ultimate beneficiary’s knowing”* (Interviewee 9)

*“The cash intensive business side is in a sense a result of the evolutionary pressure around AML and they [criminals] have had to move to other instruments because of the cash which is sizable under the Proceeds of Crime Act”* (Interviewee 11)

Cash intensive businesses provide many clues as to why they are used to facilitate money laundering, these include how they remain relatively easy for criminals to own and run, how illicit deposits can easily blend into normal legal transactions and how front companies remain easy to establish and disband. While these claims are relatively straight forward when compared to many of the cash intensive businesses available through which to deposit illicit cash, it is noticeable from the research data collected that a resolute decision-making process exists to ensure cash intensive businesses are carefully selected. Business sectors include:

- Fast food outlets
- Launderettes
- Nightclubs
- Car washing facilities
- 24/7 convenience stores
- Restaurants
- Retail stores — general
- Vending machine operators
- Car parking/multi story car parks
- Tow companies
- Travel agents
- Video rental stores
- Tanning salons
- Taxi firms
- Car repair workshops
- Market stalls
- Pawnshops

- Seasonal short-term enterprises
- Arcade/amusement establishment

In attracting customers who routinely use cash to make purchases, cash intensive businesses can hide effortlessly among other similar businesses (both in terms of location and business type), therefore allowing them to retain some semblance of legitimacy within a particular sector. Motivation for secrecy involves choosing a business conducting unregulated activities or one which is small enough to bypass audit requirements, hence appearing ‘low risk’ to authorities. Businesses providing an obvious high turnover of customers characteristically remain the focus of this method of money laundering, making it difficult to form any sort of pattern detailing turnover without intense scrutiny over an extended period. This difficulty is supported by three specific interviewee comments:

*“There are just too many obstacles to monitoring every cash intensive business, first and foremost is staff, no police force can or is willing to commit to surveillance of a business based upon suspicion”* (Interviewee 3)

*“Only the banking sector can monitor cash businesses electronically, no one else has the people to do it”* (Interviewee 8)

*“There is a volume of transactions.... [Institutions name] has over 13 million accounts because of its large retail business so there is a trade off in preventative action and the trade off with customer expectations”* (Interviewee 9)

Businesses capable of endorsing variations in the pricing of commodities or the reporting of inflated prices during seasonal periods can also be used excessively to launder illicit funds, assisted by the use of criminal contacts, networks or sourcing companies—real or bogus. The management style used within the business can influence the depositing of illicit funds, with discreetly run businesses reducing the need to coerce owner(s), control key employees or require complicity of certain, if not all employees.

## 5.2. Money laundering through the purchasing of high value portable commodities

The purchasing of high value portable commodities as a method through which to launder illicit funds involves high value goods. Once purchased, commodities can be sold locally or transported overseas to meet demand of a particular market—in exchange for payment with an established aura of legitimacy. Commodities include items such as:

- Lottery tickets
- Bearer negotiable instruments
- Other precious metals
- Antiques
- Artwork
- Diamonds
- Jewellery
- Gold

The susceptibility and keenness to conduct money laundering through the purchasing of high value portable commodities is highlighted in the following interview responses:

*“They [commodities] are small and easily concealable and can be got rid of quickly”* (Interviewee 3)

*“I think it is. One, its portable and two, it's a tangible asset... and potentially it accrues value depending on the asset. ....they are capable of being subsequently resold for particular markets so there is an opportunity to get an additional return.... They are easy to use as a currency. They are untraceable from a financial services industry point of view... they basically exist in that state wherever they go”* (Interviewee 9)

*“It's the flexibility on offer with the commodities which can be chosen”* (Interviewee 10)

Money laundering through the purchasing of high value portable commodities is a defined process with individual characteristics. In adopting a rational decision-making process, money launderers are able to seize on a number of key opportunities that high value portable commodities provide. These include the following:

- This method enables direct control over the whole laundering process, despite several variables existing during transportation and the point of sale. Furthermore, vulnerabilities associated with detection can be reduced when assisted by known and trusted adversaries at both the time of purchase and point of sale;
- There is no clear evidence to suggest a short or long-term approach to facilitate the cleansing of illicit funds through this method. The opportunity to facilitate money laundering is easily facilitated with little effort from the criminal/money launderer;
- Items purchased, tend not to attract too much adverse attention, although there are exceptions. Such as the commodity, location, point of sale, transport routes, and the persons involved;
- This method represents normality in many cases, unless the process encourages attention from the control of authorities through which the items pass.

While this paper concentrates on two distinct methods of money laundering: 1) money laundering through cash intensive businesses and 2) money laundering through the purchasing of high value portable commodities, it is helpful to demonstrate how the rational decision-making process is similarly apparent in other forms of money laundering. In trade based money laundering, another distinct and well-documented method apparently used to launder illicit funds, rational decisions are apparent in the selection of shipping routes which are capable of limiting risk of detection and establishing appropriate invoicing practices and the techniques capable of falsifying shipments manifests to limit risk of inquiry by inspection authorities. These selections take place as they provide the best possible outcome by increasing rewards and reducing risk and effort. Furthermore, money laundering through direct deposits into bank accounts provides further clarification of rational decision-making process that utilises countless depositors to deposit amounts less than those required to be reported by financial entities to regulatory bodies. While these characterisations of rational decision-making may be judged as subjective assessments based on what is now known, it is clear to see how rational



choice theory is equally evident in both the method selected and the underpinning money laundering processes. Combined, these factors strongly imply the money launderer is not typically situated between bounded rationality and deep-seated insurmountable circumstances nor do they make quick and dirty decisions based upon limited information.

### 5.3. Case study – *Ice lounge*

The Ice Lounge operated until early 2014 as a nightclub in the city of Northampton, United Kingdom until East Midlands Police Special Operations Unit closed it down following a criminal investigation into the trafficking of large quantities of cocaine between Northampton and Hampshire, and money laundering (BBC, 2014). The owner of the Ice Lounge, Joseph O'Neill, was sentenced in early 2014 to 20 years in prison for conspiracy to supply the cocaine used in the money laundering plan. Police leading the investigation believe O'Neill, purchased the Ice Lounge in September 2011 with money deriving from his cocaine dealing operation. Police also report the nightclub was just one part of a plan to launder money made through his drug business. Investigation details suggest an organised crime gang operated the club on a day-to-day basis.

While this case study firmly expresses the suitability of cash intensive businesses for the purposes of cleansing illicit funds, we can also see from the crime script aligned to this particular case study (Fig. 1) the associated rational behaviour and rational decision-making process taken by O'Neill. From the crime script, we can clearly appreciate how O'Neill demonstrated behaviour in which he sought to generate illicit funds through drug trafficking and then launder them through his various key business links. His actions to facilitate the use of the gym, promo company, and VIP lounge (indicated by the arrows) to off set the risks and diversify his criminal activities demonstrate rational decision-making. This process creates an interconnected web of processes that although diverse, are contained within the scope of O'Neill's control. By off setting his liabilities and using smaller more agile options to launder the illicit funds, O'Neill increased the rewards available and decreased the effort required and the risks of detection—as facilitated by common anti money laundering practices. He also demonstrated his knowledge surrounding regulations introduced to detect criminal behaviour—regulation that assists in profiling customer's financial behaviour. Clearly, this process allowed the benefits to offset the risks. Using the crime script, it is equally feasible to identify the careful thinking and sensible decisions including the reliance on people, places, relationships, and practices to facilitate the laundering process. Although relatively simplistic, this process of rational decision-making is beyond that found in domestic burglaries (see Taylor, 2014). This cohesion of criminal business practices signifies a closed group arrangement that directly assists in limiting risk while allowing rewards to provide benefit through an intermingled appreciation from various sources. Furthermore, rewards are naturally hidden in the use of businesses that sit beneath standard reporting criteria and do not attract unwelcome attention by regulatory bodies.

This case study demonstrates how criminals, in this case O'Neill follows an identifiable cost-benefit analysis, displaying preferences for easy, rewarding, and safe crimes while taking into account risk, effort, and the potential reward(s). Indicated by the arrows and the links between the modes identified, it is possible to understand the expansion of criminal practices that support the initial criminal undertaking—in this particular case, drugs. Therefore, by understanding the rational perspective of O'Neill and his method to overcome regulatory challenges, it is possible to determine the correlation between the elements identified, thus highlighting the



(e.g., money, material goods, prestige, sexual gratification, domination of others). Consequently, the choice of method for carrying out these crimes and the decision making involved are best regarded as instrumental behaviours to achieve these goals (Cornish and Clarke, 2002). Criminals decide whether to commit a crime by weighing the effort, rewards, and costs involved in alternative courses of action. The making of decisions and choices, however rudimentary this process might sometimes appear to be, exhibits a measure of rationality, albeit constrained by limits of time, ability, and the availability of relevant information (Cornish and Clarke, 1986).

Although motivation is not necessarily an essential condition for a crime to occur, opportunity plays a significant part in a person's decision to commit crime (Clarke, 1997) along with the characteristics surrounding vulnerability of the potential target (Farrell et al., 1995). As is described, although criminological theories do provide support for developing preventative opportunities in which to limit money laundering, collectively such theories are not directly relevant to money laundering because of the status this particular criminal process holds in the crime hierarchy. When aligned to money laundering, criminological theories are too clearly cumbersome in that they focus on the criminal, instead of understanding why particular decisions are made to facilitate the cleansing of illicit funds.

Despite evidence suggesting decisions in money laundering are rational and rational choice theory is capable of introducing and directly aligning situational and environmental preventative measures, rational choice theory continues to invite critical scrutiny. One particular argument suggests rational choice theory simply represents a separate individualistic theory, failing to take into account the social and environment aspects surrounding the offender because of its focus towards the micro level. Although many criminological theories manage to comply with this suggestion, within the processes surrounding money laundering it can easily be argued that this macro level understanding supported by crime script analysis easily and more clearly forms the basis for accurate understanding of the process taking place, not simply the *modus operandi* characteristically defined as placement, layering and integration. Furthermore, to be effective, rational choice theory requires a retrospective approach to crime fighting, a somewhat subjective assessment that rationalises events considered the most recent, while making assumptions on the characteristics of a criminal opportunity. While this could be an issue, when aligned to money laundering we can see that rational choice theory directly supports the investigative process. In doing so, rational choice theory not only assists investigators to understand the criminal process used, but provides a holistic understanding of the money laundering environment, which similar to many organised criminal activities is interconnected and thus susceptible—when understood—to deeper law enforcement investigative penetration. This rational deciphering approach can therefore appropriately introduce a criminal dimension that is not always immediately considered during the uncovering of a predicate offence.

While the decisions a criminal makes before committing an offence are never perfect (Clarke, 1999), in money laundering the choices made are based upon a definable rational assessment of various factors associated with the scenario, as well as indirectly relevant factors. Whereas offenders involved in street level crimes may act irrationally, the risks associated with money laundering are significantly greater due to the potential losses attributed with failure. Through a rational decision making process, money launderers seek to reduce risk and effort and increase potential rewards by adopting a reversal of situational preventative techniques (see Clarke, 1983). Consequently, scope to influence or alter a money launderer's perception of risk, reward, effort, excuses and provocation can be considered more difficult than for other types of crime because of the thorough rational decision making process that takes place.

Clearly, the adoption of rational choice theory provides stronger comprehension for those seeking to understand money laundering—in the same way, rational choice theory can support understanding of ‘cost benefit analysis’ associated with predicate offences. Through a direct utilisation of the rational choice theory to the money laundering processes outlined in this study, the rational choice theory underpins the process for determining greater understanding. It achieves this by initiating a holistic appreciation of the immediate circumstances and focuses further comprehension of the entire process underpinning particular money laundering methods. This wide-ranging comprehension is considered essential in supporting preventative methods intent on disabling the various processes that facilitate the cleansing of illicit funds.

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