

Guide in crime



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Boksidan

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The picture on the front page depicts the court house in Stockholm.

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Our punishment

Penal, punishment and non-prosecution

For certain offences, such as speeding and alcohol smuggling, the police and customs can determine a financial penalty on the spot. The penalty is called petty. If the offender does not accept the penalty, the matter goes to court, where he/she instead will get day-fines if convicted.

Other offences end up at the prosecutor who decides whether the act is punishable by a fine in the form of a financial penalty¹, the prosecution should be discontinued, or whether the matter should be decided by a court. The court, in turn, can impose fines, probation, community service, forensic psychiatry and prison.

Fines

Such a sentence is composed of a certain number of day-fines (abbreviated db) which is multiplied by a "daily fine factor"¹. Where a trial will sentence someone to fines the presiding "judge" asks the accused about his or her annual income. Then the judge asks if the defendant has any debts and if he has to pay for any children. When the court then discuss what punishment the accused shall receive, they assume that data and look at a table or make a counting² which results in daily fine.

The consequence of this is that the actual amount of the fine for a crime can vary a lot. A difference of, for example, 20 000 SEK in monthly income gives with 50 day-fines a difference in the penalty of 12 000 SEK².

The accused may lie if he so wish, namely that the accused does not need promise to tell the truth (which, however witnesses are obliged to do). Though no matter how good he is at lying, it may be difficult to do it so well that the court believes him/her, because the prosecutor does his best to disprove it. But neither the prosecutor nor the court is usually questioning the accused's answers about what he earns. So it is often better to lie about the income than about the crime.

- ¹. = Penal fines are issued by a prosecutor. If the offender does not admit the crime and/or do not accept the suggested penalty, the prosecutor must choose between to dismiss the charges or to take the matter to court.
- ². To put simply daily fine factor is (Sterzel, G. 2001) = $1/1\ 000 \times (\text{annual income before tax (including any premium)} - \text{the number of children at home} \times \frac{1}{2} \text{ base amount} + 25-100 \text{ SEK (if the defendant has a net worth in addition to dwelling)} - 30 \text{ SEK (reduction due. to tax)})$.

If the accused, for example, earns 360 000/year (= 30 000 SEK/month) and does not have children the day-fine = $1/1\ 000 \times (360\ 000 - 0 + 0) - 30 = 330 \text{ SEK}$. At 50 db he gets a total fine of 15 500 SEK.

If he instead earn 120 000/year (= 10 000 SEK/month) the day-fine becomes = 90 SEK. 50 db is then instead 4 500 SEK.

Suspended sentence

Courts may choose penalty probation instead of prison. This means that the court considers that the accused should get prison but he will not have it this time. But if the offender is caught again within the next two years, the old offence is added to the new at the imposition of a new penalty. The probation can also be combined with fines or community service (see below).

Probation

In cases where courts believe that there is a high risk of re-offending, they can instead choose probation. Those who are sentenced to probation will be monitored during, usually one year. This is followed by a probationary period of three years. During all that time (a total of 4 years), they should not get caught, because then the old offence is baked into the new penalty. Probation can also be combined with fines, community service (see below) or contract treatment (treatment for alcohol or drug use).

Imprisonment and community service

If the court decides to sentence someone to jail³ they also decide how long the prison sentence should be. As an alternative to imprisonment, the court may sentence the defendant to community service⁴ if he has said that he/she would consider it. In this case a sentence of one month in jail corresponds to 40 hours of community service. For each additional month in jail up to 11 months in prison 20 hours are added, which corresponds to 240 hours of community service. Most often (National Council 2003:3), it is imprisonments of up to one month that is converted to community service. And it is imposed approximately 30% of cases where it could be possible. It is most common among those who are sentenced for tax evasion and least common among those convicted of theft and driving without a license.

³ Note! If the accused was under 18 years of age at time of offence, other rules apply.

⁴ Community service = unpaid work at any public institution or non-profit organization.

Tagging

The court decides nothing about where and how the person should sit the penalty. It is determined by the Probation Service. The majority (about 60-70%) of those sentenced to prison for up to six months could get Probation tagging instead (Brå 2006:1). In reality may be about a quarter (SCB 2005), of those who are the subject of prison service care, chooses tagging. But the group also includes those who received usual prison sentence of at least 18 months. Since they can serve the last days of the sentence with the tagging, as part of the transition back into life as a conscientious citizen.

Those who accept this tagging may under penalty period just be at home, on the way to/from work (+ shop) and on the job. It is controlled by a transmitter attached to the body. In addition, he/she must be sober during the period, which is monitored at random alcohol testing.

Fines vs. jail

By far the largest part of any punishment is imposed directly on the site of the crime, by primarily police officers and customs officials (i.e., penal). The next most common is that the punishment is decided by the prosecutor (non-prosecution, punishment and to some extent suspended sentence). The rest of the sentences are in the theory imposed by the courts. But the choice of penalty is many times also decided by the accused (imprisonment or community service) or the Prison (prison or tagging).

Our legal system believes that imprisonment always is worse than fines (no matter how high they are). And it is reasonable to believe that many also prefer to pay fines than to sit in jail. But if the comparison instead would be fine in relation to community/tagging perhaps many would choose differently (see example below). Though it is not possible for a person who is sentenced to a fine to get his sentence commuted to the "worse" punishment of community service or tagging no matter how much it wants it.

Example

Anyone who gets caught with 59 grams of marijuana and a salary from his work of 30 000 SEK/month (before tax), risk penalty 49 500 SEK in fines (150 daily fines x 330 SEK). If he had instead been caught with 75 grams of hashish the penalty may have been 40 hours of community service or tagging in a month.

The risk of getting caught

Totally approximately 1.2 million crimes are reported each year in Sweden (SCB 2005). Half of these are burglary, shoplifting or theft (SCB 2005). Though the true amount of crimes is probably much higher. Since there probably are many cases of shoplifting/theft, in particular, that is never revealed. Crime Prevention Council (Brå 2002) estimated the number of undiscovered cases of shoplifting/theft to be between 1-20 million per year. Since the police files less than 80 000 cases of shoplifting/theft each year the statistical risk to go get caught is therefore quite small. But out of the crimes reported to the police, about 70% is cleared up. And it's no wonder, since the store probably do not know that anyone has taken anything unless the criminal is caught in the act, and then usually the case is clear. While the opposite is true for burglary, car and bicycle thefts. In theses probably a quite a big part of all completed crimes are reported, since most people probably notice that their cycle is gone, or that someone has broken into their car. And they make a theft report since they want compensation from their insurance company.

According to statistics (SCB 2005) a person who is driving drunk is most likely to get caught. It is obviously misleading, as it more or less requires that the police make a positive alcohol test on the driver. And if they do, then of course the thing is already clear. However, what is striking is how small the chance, statistically speaking, is to get away with violent crime, particularly murder and manslaughter (which reasonably have a very low number of unrecorded crimes).

The economy of crime

Shoplifting and theft

Whoever comes out of the store with the stolen goods, without being caught, have a great chance to get away with the crime. But if the shoplifter tries to sell the goods he/she is still at risk of getting caught. The risk is however small, because the prosecutor will have difficult to prove that the goods are stolen. But if the goods have a unique identifier, the prosecutor has a greater opportunity to prove that it was stolen. The more expensive the stolen goods is, the more likely it is that the goods have such a code and the harder it often also is to get a hand on it in a store. In addition, the penalty is depending on the product's retail price (see table 1). The minimum penalty for shoplifting is a fine of 500 SEK and it is imposed on goods with retail price of less than 50 SEK. The highest penalty, when then the stolen goods would have cost just under 800 SEK, is practically 120 daily fines. If the price of the goods is higher than 800 SEK, the crime is considered to be theft. And anyone who is convicted of theft risk imprisonment during up to two years (Brå 2002).

Even if one is convicted of several cases of shoplifting at the same trial, and the total retail price of the stolen goods far exceeds 800 SEK, the penalty will still be a fine. So for those who do not want to sit in jail and already have a lot of debt at the enforcement service and so low official income that the agency can not enforce anything, there are pretty good reasons to stick to shoplifting.

Table 1. Comparison of potential revenue for shoplifting and theft in relation to the "normal" punishment according to Sterzel (Sterzel, G. 2001).

	Reasonable potential revenue (the value for the perpetrator, SEK)	Crime type	"Normal punishment"	Identification facilities on the stolen goods
Take a pair of socks in a clothing store	40	Shop lifting	500	No, but probably not something that can be sold.
Take a bottle of wine at Systembolaget	70	Shop lifting	30 db	None.
Take a jacket in clothing store	780	Shop lifting	120 db	No and it is possible to sell the goods, but on the other hand it most likely have an alarm tag.
Snatch an elderly lady's handbag	<1000 (in cash, the rest of the things probably are just trash, from the burglars point of view)	Aggravated theft	About 7 months in jail	None.

Burglary in buildings

It is pretty difficult to know which buildings are suitable to break into, what is most profitable to steal and where it is best to sell the goods. Skilled burglars (Brå 2006:6) recommend expensive goods and legitimate buyers such as jewellers, pawn shops and antique dealers. Suggesting that they were stealing jewellery, exclusive consumer electronic and antiques. But because not all homes have such things they are probably choosing targets carefully.

But housings are generally often pretty well guarded by neighbours. The basement and attic of apartment blocks, are less guarded but they are often find behind a steel door and there is probably difficult to find something valuable, since people usually use that kind of premises as storage space for things that have no value. Garden storages in villa estates, however, are guaranteed easy to get into, because there is no steel door that must be forced and reasonably there are often relatively expensive and saleable items such as the tools needed to manage the garden.

Furthermore holiday homes are during periods of the year, likely much less guarded than standard homes. In return, the goods there are a little older and/or have inferior quality. What could have any value, maybe some antiques and, as well as in ordinary housing, food and booze (which the burglar himself can enjoy).

In offices there are usually no more than computers, printers and other office supplies, things that currently have low value on the second hand market. In addition, the offices are usually alarmed.

In workshops, on construction sites and in restaurants, however, there may be valuable machinery and metal⁵. National Crime Prevention Council (Brå 2006:6) points out that machinery and expensive equipment on construction sites and in restaurant kitchens are good items from the seller's point of view. Because customers, I. e. construction companies, restaurants, and others, can pay relatively well.

⁵. According to a randomly selected scrap dealer in Stockholm, they pay for iron 0.4 SEK/kg, copper 30 SEK/kg and for aluminium 6,5 to 10 SEK/kg.

Car-related crime

I myself have several times experienced that someone has broken into my car, something that I just can not understand. When I at those times never have had anything more valuable in them than a flashlight. Most times there have been only rubbish, a couple of tapes, some small change, ice scrapers and extra bulbs. Things that burglars do not even consider it worthwhile to take and I have not even gotten rid of the car stereo. However, I have never experienced someone has broken into the boot. There I have on these occasions had the tools and extra gasoline. And at least the latter ought to have been to the benefit of the thief. The most common type of car-related thefts I encountered, however, is undoubtedly that someone has taken gasoline. Which are both possible to make fairly discreet and provide a product that should be of great benefit to the thief.

However, I have never seen someone stealing the whole car, which is not surprising when the cars are hard to sell. Among other things⁶ because the thief, to take ultimately benefit from the stolen goods, must obtain legal signs for a similar car which for some reason is not being used and even then the thief still continues to run the risk of getting caught, because in the annual vehicle test they often check that the car's chassis number match the registration documents.

⁶. Most new cars can not be hot-wired. They require a real key with an identification chip embedded that is correctly coded for the specific car. This problem thieves solves in several ways. National Crime Prevention Council (Brå 2006:6) suggests emptying the clothes of someone in restaurants or changing rooms. The car is often not far from it and the keys are usually marked with the car manufacturer's logo.

Burglary in boats

Coming to boats things are a lot easier. Because they have no license plates and there is no national registry of motor and hull number. In addition, the locks are easy to force, boats often lack alarms and they are in places where few people move during parts of the year. In addition, larger boats have quite a lot of gadgets, which are expensive. But, despite that lack individual numbers, and thus should be reasonably easy to sell without arising any suspicion.

Robbery

To rob someone means that by using force or by threatening with violence try to get over something that the victim possess. It is reported about 9 000 robberies per year in Sweden (Brå 2008:17) and about one out of five of them is cleared up. Thus, the probability of being caught for a robbery is rather large. Additionally, robbery, especially by means of weapons, consistently gives high penalty. Sterzel describes, among other things, that an attempted street robberies with a knife, is "worth" a penalty of about two years in prison.

Neat crimes

Below are some recent examples where the perpetrators were close to get over large sums of money without using force and with relatively modest risk of getting caught.

In August 2007, one of the employees in the Swedbank's offices in Knivsta realized that the mouse cursor on his computer screen was moving even though he did not touch the mouse. An account number was filled in and a sum of around fifty million was filled in the amount box. He began to investigate what happened and discovered that someone mounted a remote control equipment under the desk. Immediately he pulled the cord and stopped thereby the transfer.

It was thus very near that the thieves had succeeded. Then, of course, they would have had the problem of getting the money from the account, but it can be solved in several ways. It would have made the perpetrators much richer than if they had performed ordinary bank robbery. This probably with a significantly lower risk of being caught. Although the police had pictures of the persons who installed the equipment in the branch office, they did not identify the men. Perhaps the thieves would have got away if they had not done the same thing in the same branch a few months later. Which led to that the prosecutor had evidence enough to indict eight people. Three of them were sentenced to prison between 18 months and three years for attempted aggravated fraud. Of the other one as given a suspended sentence and four were acquitted.

A far less complicated arrangement with subletting of flats has become relatively common in the past year. Someone put an ad on the block that it is possible to rent an attractive apartment in Stockholm, Gothenburg or Malmö. When people call or email about the apartment, he can say that "right now I do not have time to show it, but there are many callers, so do you want it, you hurry to put a deposit on my account."

Other relatively simple financial crimes that have occurred in the recent past are property and corporate hijackings. In the first case it is possible in principle that the hijacker buy a contract för sale for real estate in a bookstore, writes the data on a particular property and its owners (these data are available from the Land Registry, Lantmäteriet) and details of the new owner. Then the hijacker submit the document to the Enrolment Agency, pay the fee to the Agency and waiting a bit until the change of ownership is registered. Then he just contacted a real estate dealer.

In the second case of hijacking one send a form to the Bolagsverket. On the form, he has filled in data for a given company, and himself as a new member of its board, pay the handling fee for the work, wait a few days, go to the company's bank and take out their money.

Another method that has attracted attention in the media is to order credit cards in someone's name. Then empty the persons mailbox every day around the time when the card is expected to come, and until that the code also ends up in the box (as a rule, it is sent in a separate letter). Then it's just to shop until the first bill arrives to the victim.

Another way to come over goods or money is to either buy on credit or borrow money and then not bother to pay back. It is generally not punishable. Unless the person you borrowed (the debtor) prosecute you for fraud, which is unusual. Aside from that risk, the greatest risk is that you receive a payment default at the Enforcement. Such a remark makes it harder for you in the future to, for example, borrow money or get a phone subscription. But because the debtors have to pay when using the Enforcement, many choose not to send cases there.

Violent crimes

Many violent crimes are caused by a flare-up in the moment anger about something. It is probably not usually so successful for those who have the ambition to become a skilled professional in the criminal area, as it does not result in any financial gain. Additionally such acts are punished hard (see examples in table 3). Note that the penalty for assault is very dependent on the degree of damage that it caused, which of course can be quite haphazard. Note also that anyone caught with a knife⁷ in their possession (e.g. clothes, bag or car) in a public place risks 50 day fines.

Table 3. "Normal" penalties for various violent crimes, according to Sterzel (Sterzel, G. 2001).

	Caused wound	Crime type	"Normal punishment"
Caught in a public place with a knife without valid reasons for having it.	Non	Offending the knife law	50 db
Knocked a person in the face with his head.	Hard to breathe through the noose during a week	Assault	1 month in jail
Hit someone in the head with a bottle.	Superficial wounds and swelling	"	2 months in jail
Assaulted his girlfriend with fists and with a weapon.	Small wounds	"	4 months in jail
Hit a person hard in the head with a bottle.	Unconscious and bleeding in the brain	Severe assault	14 months in jail

⁷. The knife must have a blade that is more than 5 cm long is illegal, which means that even many folding knives are illegal. As a valid reason to have a larger knife on you counts, for example, if a craftsman has it with him during the lunch break. But not if he walk around with it on the town for several hours after the work is finished.

Alcohol and drug related crimes

Alcohol

Even relatively harmless crimes, involving the handling of alcohol, gives relatively high penalties (see table 4). For example anyone found selling a small bottle of liquor risks more fines than a driver who ran on a highway, while he gave attention to something in the car, came across the oncoming lane and collided with an oncoming car (see traffic offences). Also note how the rather innocuous example of illegal sale and gave the offender two months' imprisonment, which is considered a significantly higher penalty than the 50 day-fines it cost to boil 15 litres of spirits. 50 day-fines is significantly more than the penalty for making wine or beer, however, because the latter two are legal activities. However, sales of the products are still illegal and the gain is probably not so big⁸.

Table 4. Data from some specific cases relating to various alcohol-related offences (Sterzel, G. 2001).

	Crime type	"Normal punishment"
Ilicit distilling of 15 litres of spirits	Manufacturing of alcohol	50 db
Sold 37,5 cl spirits	Illegal selling	50 db
Sold 700 l spirits	"	6 months in jail
Ilicit distilling of 328 l sprits and selling of 30 l	Manufacturing of alcohol + illegal selling	2 months in jail
Sold (three occasions) 1,5 l spirits + 18 beers, 7 beers, 6 beers + 0,7 l wine and sold to a underage 17 beer + 37,5 cl spirits	Illegal selling + selling to under aged	2 months in jail

⁸. A wine kit costs about 250 SEK and it gives about 30 bottles of wine. Since the wine usually gets pretty lousy, it is probably not reasonable to get more than maybe 40 SEK per bottle. That would mean a total profit of SEK 950.

Narcotics

Drugs are considered to be very harmful to society, and handling of such substances is punished hard. Fixed penalties differ widely between different drugs and the differences in sentencing may not match our understanding of the differences in harmfulness and kick (see table 5). Note in particular that one can have about, seven times more typical doses of amphetamine on the comparison with cocaine and get away with the same punishment. Note also that it is the same punishment for hash as marijuana, despite the fact that hash is much stronger.

Table 5. The quantities of different drugs that provide 120 daily fine and four months in prison for anyone who gets caught with it in his possession and quantities that provide 4 and 6 months in prison for selling or giving it away (Sterzel, G. 2001).

	Normal doze	Possession		Trading	
		120 db	4 months in jail	4 months in jail	6 months in jail
Amphetamine (g)	Approx. 0,05-0,2	3,1-3,5	20,1-30	10,1-20	20,1-30
Ecstasy (no. of pills)	1	1 (= 100 db)	21-30	11-20	21-30
Hashish and marijuana (g)	Approx. 0,5-1(marijuana)	40,1-50	101-250	50,1-100	101-250
Heroin (g)	Very personal	0,01-0,05	0,61-1	0,21-0,6	0,61-1
Kat (kg)	0,25-0,4	1-1,5	10,1-30	2-5	10,1-30
Cocain (g)	0,01-0,2	0,3-0,5	5,1-10	2,1-5	5,1-10
Opium (g)	Very personal	0,01-0,15	1,81-3	0,61-1,8	1,81-3

A review of research on the profitability of handling drugs, made by the Crime Prevention Council (Brå 2007:4) shows that there are some opportunities to make better money on drug trade than on normal jobs. Though both the risks of getting caught and losses is great. The latter in the form of customers who can not pay, personal consumption and invite consumption.

According to another study by the National Crime Prevention Council (Brå 2007:7) the dealers that is closest to the end customers often buy 100 grams at a time and then sell the drugs in portions of between 1-10 grams. If they sell it in portions of a few grams piece, they would earn between 1-7000 SEK on each lot. Given that sales to end customers require a lot of precautions, such as not walking around with more than small portions at a time, it is perhaps unlikely that the dealers may have more than, say, five customers in one day. If each customer buys 5 grams, it means that you have to work for 4 days to get rid of the lot. Which would mean a daily earnings of about SEK 250-1 750. It would be equivalent to a monthly salary of 5 000 to 35 000 SEK/month tax-free, with a working time of 20 days/month. And since it does not appear in any record it offers good opportunities to simultaneously be, for instance, on sick leave.

Traffic offences

As seen in table 7, some traffic offenses⁹, which caused no damage, are punished as hard as pretty serious mistakes in traffic. For example the hit and run in case "J" as many fines as the clash in case "A". Please also note that those who had a drunk person driving his car ("I") was equal punishment as a much more drunken person who drove himself ("H"). Obviously, it is expensive to run drunk and equally expensive to let someone else does it instead. It is also expensive to run away from the scene of accidents, which also usually is quite unnecessary because the insurance still pay for the damages. He who is afraid of losing the bonus should instead make sure to secure it by switching insurance companies (the bonus follows, but my experience is that it still remains in the old insurance company). Those who still want to get away from the place should not, under any circumstances, give the appearance of having taken notice of the collusion. Since if one hasn't noticed it, is not a case of hit and run.

Table 7. Data from some specific cases relating to various traffic offences (cases AC and HJ) and some data from the general sentencing (where DG) according Sterzel (Sterzel, G. 2001).

Case		Crime type	"Normal Penalty" or in cases AC and HJ specific penalty
A	The driver was driving on a highway, drew attention to something in the car, came across the oncoming lane and collided with an oncoming car.	Reckless driving	40 db
B	Collided with an oncoming car and then slipped from the site.	" + evasion	70 db
C	Drove at high speed past an unguarded crossing where another car stopped to let transient.	Reckless driving	40 db
D	Drove a car without a license.	Unlawful driving	30 db
E	Drove tuned moped.	"	40 db
F	Drove a car/motorcycle with 0.55 ‰ alcohol in the blood.	Drunk driving	50 db
G	Drove a moped with a 0.55 ‰ alcohol in the blood.	"	40 db
H	Drove a car at high speed during a Saturday night with a 2.21 ‰ alcohol in the blood and also tried to run away from a police car.	Aggravated drunken driving	1 month
I	Let another person, who he knew was drunk (and in the control was found to have 1.18 ‰ alcohol in the blood), driving his car.	Abetting aggravated drunken driving	"
J	Collided lightly with another car with damage only on the private car as a result, but did not check if there has been damage to the other car and tried to contact the owner.	Hit and run	40 db

⁹. In addition to any fines or other penalties the administrative boards often revoke the convicted driver's license for a certain period. Something that many people are probably considers being worse than the actual punishment.

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