

Court-imposed care orders in a non-treatment paradigm: Trends, demographics and outcomes in Sweden, 1994–2020

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Findings

- A substantial portion of individuals within the criminal justice system suffer from alcohol or drug dependence issues, however only a fraction receives court-imposed care (“contract care”, “kontraktsvård” in Swedish).
- While the use of contract care has decreased, this decline is primarily attributed to a reduction in drink-driving offences resulting in a contract care sentence. In contrast, the chances of drug offence convicts receiving contract care have remained relatively stable from the mid-1990s.
- The decline in contract care sentencing does not appear to result from a shift to prison sentences to any significant extent; instead, other alternative sanctions are being employed more frequently. For the drink-driving group, conditional sentences with community service and electronic monitoring have emerged as the prevailing alternative sanctions, while for the drug-offence group, probation, either with or without community service conditions, has taken precedence.
- Contract care, as well as other alternative sanctions, is associated with a lower risk of reconviction and a lower rate of reconvictions compared to prison, even after accounting for a wide range of pre-sentencing factors such as demographic characteristics, criminal history, social status, and health.
- The type of offence (drink-driving or drug offence) moderated the association, which means that the lower risk and incidence associated with a contract care sentence is particularly pronounced for the drink-driving group.

Background

The project ‘Court-imposed care orders in a non-treatment paradigm: Trends, demographics and outcomes in Sweden, 1994–2020’ investigated the use of court-imposed care, generally called contract care, in Sweden from its implementation in 1988 to 2020 and assessed its potential to prevent reconvictions among individuals convicted of drug offences and aggravated drink-driving. Contract care is a type of probation with a sub-condition of treatment in a contract that the defendant must agree to before the trial. Contract care can be extended as an alternative to imprisonment if the law-breaking is closely linked to a condition considered to be treatable, most commonly substance abuse (Kriminalvården [Swedish prison and probation services], 2023).

Sentencing substance abusers to treatment is, in a sense, a thorny issue. While prompting substance-dependent criminals to undergo treatment may benefit the individual, coercive elements inherent in all court-mandated care may also undermine the effectiveness of treatment (Tiger, 2011; Werb et al., 2016). Contract care is a distinct case of alternative sanctions, explicitly targeting individuals whose law-breaking is presumed to be directly linked to addiction, most commonly involving illicit drugs or alcohol. The sanction is focused on treatment, which also has to be granted by social services. It typically begins with institutional care and then transitions to outpatient treatment.

In the past decade, the use of contract care has decreased, which has spurred concerns

that criminal substance abusers’ access to sufficient treatment has been curtailed and suggestions to amend the law to remove the role of social services in contract care sentencing, placing the responsibility solely on prison and probation services have been put forward (for example Motion, 2018/19:474, SOU 2024:54). However, research on contract care and its potential to prevent reconvictions is scarce, with previous studies being disproportionately concentrated on custodial sanctions, utilising noncustodial sanctions as a basis for comparison while often overlooking the specific features of such sanctions.

This project presents new findings regarding the utilisation of a sanction with specific rehabilitative ambitions and its association with the risk and rate of reconviction. While no precisely equivalent sanction exists, similar measures exist in other Nordic countries.

This project utilised comprehensive Swedish register data and employed time-fixed effects regressions using a combination of Poisson regression (Blackburn, 2015) to estimate incident rate ratios (IRR) and a modified Poisson regression approach to assess relative risks (RR) using Generalized Linear Models (GLM) (Zou, 2004).

Nordic relevance

‘Court-imposed care orders in a non-treatment paradigm: Trends, demographics and outcomes in Sweden, 1994–2020’ engages with the punishment-treatment controversy and raises important questions about the effectiveness of incarcerating substance-dependent offenders, which could be relevant

also outside of Sweden.

While Sweden constitutes the empirical case in this project, other Nordic countries have implemented similar measures, with different alternative sanctions developing since the 1980s and serving as a middle ground between fines and imprisonment. Moreover, the debate is currently imbued with both crime policy issues and the drug issue in Sweden as well as in other Nordic countries, which has prompted the adoption of new strategies, most notably, the nationwide implementation of the drug-court model in Norway in 2016 (Seim, 2018).

Recommendations

- Contract care represents a viable response to substance-related crimes as an alternative to prison.
- The use of contract care for substance-dependent defendants has been limited and even declined over the last decade despite explicit political ambitions to increase its use. It is unclear whether the strategy to remove the role of social services to increase the use of contract care will yield success. However, contract care is not the only alternative sanction that includes elements of structured treatment and strategies to expand the use of other alternative sanctions with less coercive elements should also be explored.
- The findings from this project raise doubts regarding the effectiveness of incarcerating a substantial portion of substance offenders. This is particularly pertinent

given the current situation where Swedish prisons face the risk of overcrowding.

- It should be further investigated if other alternative sanctions could involve more elements of treatment and represent an equivalent option to contract care.

Outputs

- Presentation at Nordic register data workshop in Oslo, June 2023
- Presentation at The Nordic Research Council for Criminology (NSfK) seminar “Youth crime: Causes, development and policy”, May 2024
- Peer-reviewed article Legal responses to drug offences and drink-driving: The potential of court-imposed care to prevent reconvictions. *Nordic Journal of Criminology*, 25(2), <https://doi.org/10.18261/njc.25.2.6>

Knowledge gaps and future research needs

To better understand how penal responses may prevent or compound offending among substance-dependent individuals, future research should further explore the specific treatment elements and content within various sanctions to better understand the mechanisms at play. Investigating the potential spill-over effects of rehabilitation-oriented sanctions on children and family members is also an avenue for further research.

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