

# Circle Sentencing, incarceration and recidivism

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## SUMMARY

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### BACKGROUND

Circle Sentencing is an alternative sentencing option available to Aboriginal offenders appearing in specific Local Courts in NSW. Under Circle Sentencing, the presiding magistrate works with a group of Aboriginal elders, victims, respected members of the community and the offender’s family to determine the appropriate sentence.

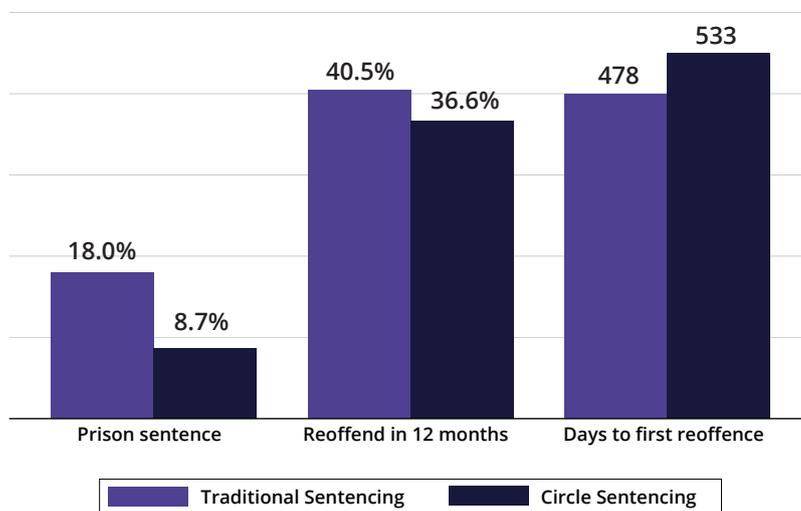
The objective of our study is to examine whether Circle Sentencing is associated with a change in:

1. The probability of imprisonment.
2. The probability of at least one reoffence within 12 months.
3. The number of days between sentencing and the offender’s first reoffence.

### KEYWORDS

- Circle sentencing
- restorative justice
- incarceration
- recidivism
- Aboriginal overrepresentation
- Reoffending
- Indigenous

### KEY FINDINGS



We compared offenders participating in Circle Sentencing to similar (Aboriginal) offenders participating in traditional sentencing over the period 1 March 2005 to 31 August 2018.

After controlling for defendant-case characteristics and the passage of time, we found that offenders undergoing Circle Sentencing:

1. Are 9.3 percentage points less likely to receive a prison sentence.
2. Are 3.9 percentage points less likely to reoffend within 12 months.
3. Take 55 days longer to reoffend if and when they do.

All of these differences are of both practical and statistical significance.

### CONCLUSION

Circle Sentencing is associated with lower rates of incarceration and recidivism. Our results should, however, be interpreted with caution as these beneficial effects may be due to other factors that we are unable to account for (e.g., the strength of the offender’s support network).