

**Submission
No 80**

**INQUIRY INTO HIGH LEVEL OF FIRST NATIONS
PEOPLE IN CUSTODY AND OVERSIGHT AND REVIEW OF
DEATHS IN CUSTODY**

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**SUBMISSION INTO THE UNACCEPTABLY HIGH LEVEL OF FIRST NATIONS PEOPLE IN
CUSTODY IN NSW**

It is not a generalization to state that most incarcerated Indigenous people have experienced trauma (abuse and neglect, witnessing violence and sexual abuse), not to mention their experience of the impact of intergenerational trauma and colonisation. People who experience trauma may or may not develop Post Traumatic Symptoms. However, when subject to continuing abuse on top of systematic oppression through loss of language and culture and identity and other forms of racial trauma including incarceration, the behavioural response to trauma can often manifest as criminal behaviour, such as violence and substance abuse. Reavis (2013) found that for **each** adverse childhood experience (the traumas outlined above), there appears to be an increased risk of violence in males of 35-144%.

In order to affect change in the prevention of violence as well as reduce recidivism, we need to explore two things:

- 1) An alternative system of justice based on healing and rehabilitation as is emerging in the restorative justice movement; and
- 2) Better understand the more personal and immediate drivers of violence for the men committing offences. It is known that peer influence and norms conducive to violent behaviour are some of those drivers. But equally, the manifestation of the response to trauma sits alongside these influences.

Van de Kolk (2014), the world leader in trauma treatment, reports that drama is a priority trauma treatment, as it can 'rewire the brain', through the visceral experience of playing a role. For example, an inmate may play the role of his partner or his child and discover, for the first time, how other family members experience them, thus creating a fundamental shift in responsibility. Theatre has the ability to create new body memories that also enables a change of habit at a fundamentally unconscious level.

Applied theatre is a medium of creativity, therapy, and discovery that creates a space for exploration without shame or judgement. This is an essential condition when motivating people to change in fundamental ways, as is the case with the current crisis in PTSD and domestic violence and the rising rate of incarceration of Indigenous men.

Theatre as therapy involves problem solving, walking the talk, building behaviours through practice, facing peer pressure, building self-esteem, creating healthy relationships, developing emotional control and developing empathy for others. Curative factors specific to offender therapy groups include simple concepts,

overlearning, support for learning transfer, focus on group relationships and opportunity to practice new skills (Weatherburn, 2014).

CREATING ALTERNATIVE TREATMENT MODELS TO INCARCERATION

Drawing on recent theatre-based group work I conducted at a Correctional Centre with an 80% indigenous population, addressing underlying complex mental health issues, particularly Complex Post Traumatic Stress disorders, is essential to enabling the men to create new roles in their future lives. Rehabilitation in a Therapeutic Community setting is an opportunity for healing. More First Nations people will continue to be incarcerated at an alarming rate, if we do not provide rehabilitation and mental health treatment in a setting that is conducive to healing and privileges cultural safety.

There are numerous theatre projects being undertaken in correctional facilities throughout Europe and America. Brewster (2014) reports that prisoners involved in performance in front of their families or significant others were able to develop a new personal and social identity. The evaluation concluded that the men showed significant improvement in social competence, achievement, motivation, intellectual flexibility, emotional control, confidence. Brewster found a strong positive relationship between the arts and improved social competence.

The Actor's Gang (2016), a theatre project currently running in 13 Californian prisons, showed an 89% reduction in fights inside the prison and an 50% reduction in recidivism. Greenhaven Correctional Facility's theatre program boasts a 7% recidivism rate as opposed to a national average of 60% (Chung 2018).

The performance of the theatre in prisons is a tool for not only educating the inmates, it is also designed to educate the community and the stakeholders and most importantly the involvement of the Correctional staff. It has helped communities become more connected to their own experience of the problem and thus become more alive, motivated and willing to bring about meaningful change (Diamond,2014).

Conclusion

There is a need to provide the First Nations people, who have been incarcerated, with alternative rehabilitation programs that address their traumatic stress in a healing and cultural safe environment. Alongside this there is a need to educate the correctional institutions so they are able to address the ongoing challenges of systemic racism and investigate the emerging success of the restorative justice movement in country's such as Australia, America (San Quentin, Hervey,2020) UK and Norway which aims to repair the harm caused by crime rather than punish. Norway has one of the lowest recidivism rates in the world.

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