Probation Practice with Travellers in the Republic of Ireland

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Summary: Culture, ethnicity and race are all factors that have become important issues in the consideration of probation practice. This paper examines how Probation Officers themselves view practice skills and methods of probation supervision within the context of a specific ethno-cultural minority in Ireland: the Travellers. Travellers are a minority in Ireland and are said to have a culture and way of life that has marked them as ‘different’ from mainstream Irish society. Issues are explored and findings from a research study with focus groups are summarised and discussed.

Keywords: Travellers, culture, ethnicity, race, minorities, identity, inclusion, exclusion, marginalisation, offending, sentencing, probation, Ireland.

Introduction

Culture, ethnicity and race are all factors that have become important issues in the consideration of probation practice, in particular in North America (Bracken et al., 2009; Tighe, 2014), Australia (Cunneen and Stubbs, 2004) and New Zealand (Policy, Strategy and Research Group, 2007). In these countries, with their histories of colonisation of indigenous minorities and patterns of migration, minority ethnic populations that face the challenges of poverty and social marginalisation brought on by the legacy of colonialism appear in criminal justice statistics at a rate that is far higher than their proportion of the general population. This is not necessarily to make direct causal connections between race or ethnicity and crime, but rather to indicate that in many

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instances minority ethnic groups are more likely to be processed as offenders than their relative numbers might suggest.

The issue is, perhaps, more complex than it might first appear, in that the status as ethnic minority might not fully explain the connection with the majority population. Not all ethnic minorities are over-represented equally in criminal justice statistics, and certain questions arise. For example, is the minority group made of people who have come to a particular country as migrants or whose ancestors were forcibly brought there? Are they an indigenous minority where the majority are descendants of immigrants – what have been termed ‘settler societies’ (Veracini, 2010)?

The United Kingdom has also addressed the issue of culture, ethnicity and race with respect to criminal justice, although in that country the minority ethnic populations, with some exceptions, are not necessarily indigenous (or the descendants of indigenous populations). Afro-Caribbean, Asian and Irish persons may find themselves in contact with the criminal justice system out of proportion to their representation in the general population (Lewis, 2009).

Research in all the countries mentioned above has focused on policing, sentencing, community supervision and reintegration after release, among other areas, and in particular on the sources of conflict, cultural strengths and cultural sensitivity (or the lack thereof) in interactions between representatives of the dominant legal/criminal justice system and those of the racial and ethnic minorities. Ireland, and to a lesser extent Finland, Norway and Sweden (with their Sami minorities), have indigenous minorities who are (mis)treated as outsiders, can be over-represented in statistics related to social marginalisation, but are also to varying degrees recognised as a distinct indigenous minority with certain rights.

The current research examines how Probation Officers themselves view practice skills and methods of probation supervision within the context of a specific ethno-cultural minority in Ireland – the Travellers. In this case, the ethno-cultural minority is an indigenous minority. Therefore some of the ideas related both to ‘settler societies’ such as North American and Australasia, or the United Kingdom with its immigrant communities, may not apply. However, similarities also exist with respect to probation practice with members of indigenous minority groups.
Who are Travellers?

There have been numerous studies and reviews describing the origins of the Travellers in Ireland. One of the more well known of these was by Sharon and George Gmelch, American anthropologists who wrote extensively about Irish Travellers in the 1970s. (Gmelch and Gmelch, 1976). Other recent scholarship has moved beyond questions of origin and highlighted the impact of a history of racism and social and economic marginalisation (particularly with respect to housing and accommodation) on members of the Travelling community (Fanning, 2012). It is perhaps worth quoting at length from one study with respect to how Travellers have come to be seen by Irish society.

Unlike many ‘Gypsy,’ Roma, and other Travellers in Europe who are attributed with collective origins outside of their respective ‘host nations,’ Travellers in Ireland have been constructed, and have constructed themselves, as an indigenous minority. Attributions of origin have emphasized the essential ‘Irishness’ of Travellers and, in contrast to colonized indigenous populations elsewhere, Travellers have not been constructed as racially ‘Other.’ While the imputed origins of Travellers are largely free of a discourse of ‘race,’ attributed origins have none the less often been deeply stigmatizing, and have been used to legitimate anti-Traveller action. (Helleiner, 2000)

Discussion continues on what constitutes an ethnic minority, and whether Travellers fit the definition. A recent report of the Oireachtas Joint Committee on Justice, Defence and Equality (Joint Committee on Justice, Defence and Equality, 2014) recommended that they do, and therefore that the Irish state should recognise Travellers as an ethnic minority in Ireland.

The research reported here began with the assumption that irrespective of any official designation, the Travellers represent a minority in Ireland and that Travellers have a culture and way of life that have marked them as ‘different’ from mainstream Irish society.

There are questions regarding the size of the Traveller minority in Ireland. The Central Statistics Office estimated the Traveller population in the Republic of Ireland in April 2011 as ‘29,573 accounting for just over half of one per cent (0.6%) of the total population. The figure represents a 32 per cent increase on 2006 (22,435)’ (Central Statistics Office, 2012, p. 27).
The All Ireland Traveller Health Study in 2010 presented a slightly different figure, estimating that the Traveller population was 36,224 in the Republic and 3,905 in Northern Ireland, for a total of 40,129 (AITHS, 2010). These population estimates suggest that Travellers represent less than 1% of the population of Ireland.

**Travellers and criminal justice**

Data on the extent of Traveller involvement in criminal justice are very difficult to find, possibly because they simply are not collected. This conclusion is supported by the recent report of the Irish Penal Reform Trust, although that study also pointed out that ‘The absence of an ethnic identifier makes the actual number of Travellers in prison unknown’ (IPRT, 2014, p. 8). It would seem though that the chances of a Traveller ending up in prison were much greater than for the general population. The All Ireland Traveller Health Study in 2010 surveyed Travellers in Irish prisons and concluded:

The risk of a Traveller being imprisoned was 11 times that of a non-Traveller (RR 11.0, 95% CI 9.8–12.3), and for Traveller women the risk was 22 times that of non-Traveller women (RR 22.0, 95% CI 13.8–35.1) … When calculated using the Traveller reported prisoner population, the risk of a Traveller being imprisoned was more than 5 times that of a non-Traveller (RR 5.5, 95% CI 4.7–6.4), and for Traveller women the risk was 18 times that of non-Traveller women (RR 18.3, 95% CI 11.1–30.1). (AITHS, 2010, p. 110)

Drummond’s research into the Traveller experience with various aspects of the criminal justice system in both the North and the South relates much of the contemporary response to Travellers to their nomadism (Drummond, 2007). He details how the various responses, beginning with the Commission on Itinerancy in 1963, to Traveller culture have generally been either to eliminate the nomadic aspect of Traveller life altogether (for example, through assimilation and ‘settlement’) or to restrict severely those areas where Travellers could stay (halting sites). Although the responses in Northern Ireland reflect the different jurisdictional context, the ‘problem’ of the Travellers has generally continued to be identified in terms of transiency and accommodation.
Mulcahy studied relations between the police and Travellers, both historically and as part of present strategies to recognise diversity in Irish society, while pointing out that the impetus for this recognition of diversity was more related to the influx of immigrants and refugees during the Celtic Tiger era. He concluded that relations between police and Travellers, despite recognisable progress in some areas, continued to be characterised by mutual distrust (Mulcahy, 2012).

**Probation and Travellers**

Existing research on Traveller experiences of probation is from the UK, and in general is very limited. Power’s article from *Probation Journal* is the main piece of relatively recent research (Power, 2003). Other UK research on probation includes Travellers with the experiences of the criminal justice system generally of Irish people living in the UK (Lewis *et al*., 2005; Cunneen and Stubbs, 2004). The present research is an attempt to make a contribution to the research on probation practice as it relates to work with Travellers.¹

**Research methodology**

Research was conducted throughout the spring and summer of 2013 with Probation Officers of the Probation Service in Ireland. Focus groups with Probation Officers were conducted in the cities of Galway, Limerick, Cork, Waterford and Dublin. A total of 37 Probation Officers participated in the groups. Participants were contacted directly and asked if they would be willing to be part of one of the focus groups. Participation was therefore strictly voluntary.

A number of themes emerged from the focus group discussions. These related to issues of probation practice such as engagement, compliance and risk assessment. Culture and the use of culture in probation work also came through from the focus groups as an important factor. These are discussed in greater depth below, with examples from the data.

Two focus groups were also conducted with Travellers. The first group was made up of five Traveller men ranging in age from 20 to mid-50s. All had at one time been on probation, although in at least one case the person had prison experience as well. The group was arranged with the

¹ Data on probation work with ethnic minorities was also a part of the present research, and will be reported separately.
assistance of a Traveller support organisation in the west of Ireland. The second group was made up of Travellers who were also service providers and who worked for a large national Traveller support and advocacy organisation. The Research Ethics Board of the University of Manitoba approved the research methodology.

Findings from the Probation Officer focus groups

Nearly all Probation Officers who participated in the research focus groups were able to speak about contact with Travellers. Many of these Probation Officers had prior experiences in social services before joining the Probation Service, and had Travellers as clients while working in these services. Most of them, as well as those who joined the Probation Service as a first professional position, had experience with Travellers as Probation Service clients. Below are representative comments that reflected this range of experience prior to coming into the Service.

I worked in Dublin as a Child Protection Social Worker. In my case load there I would have had probably maybe there were three traveller families, maybe four with anything between eight to 12, actually one had 15 children. Yeah, I would have had a lot of experience with [Travellers].

Before Probation Services I worked on a Traveller project for 12 months, initially to get some experience … Within the Probation Service I suppose I would have worked with Travellers when I worked in the … prison mainly … and I also worked with Travellers as part of my day-to-day probation duties, a small number not huge numbers.

It was clear from the discussion in the groups that a small number of officers had extensive experience not only in a probationer-supervisor role, but also from participating in various community-oriented projects wherein they worked closely with Traveller organisations as well as with individual Travellers. Their observations about changes in Traveller culture over time suggested that there were significant challenges not just in understanding the Traveller probationers they encountered, but also in appreciating the changes in Traveller culture, particularly around the decline in actual ‘travelling’, the increase in drug use, especially among younger Traveller men, and the loss of traditional male roles within the Travelling community.
All focus groups were asked the extent to which they would use a Traveller’s ethnic identity as a Traveller in the preparation of reports for court. The intent of the questions was to facilitate a discussion on whether an ‘ethnic identifier’ at the pre-sentence stage might be helpful to a court’s understanding of the Traveller as offender’s background, or a potential for discriminatory action on the part of the court at sentencing. What emerged were a number of themes related not only to the potential for discriminatory sentencing and/or the need to present a ‘full picture’ of the offender to the court, but also to an unease about using any form of ethnic identification as well as the need to develop the right discretionary judgement as to when it might be helpful, and also when not.

_I would check my client first if they’d be OK with it. I would read all my reports to my clients before the courts so they’re aware._

_You’d be giving them a … picture of their background, it would be in that context to be shared with the judge. But the local judges are very familiar with all the surnames [of Traveller families]._

_I wouldn’t mention it unless the individual [believes] it’s important to them that it’s mentioned; for instance I worked with a guy who was involved in a community group, a Traveller community group. It was very important for him that it was mentioned. But again I feel that if it isn’t going to affect the body of the report and unless the individual brings it up themselves I’d leave it out, because again it could unnecessarily complicate matters._

_I would, but I always feel uncomfortable about it, that’s just my feeling as such, ’cause I kind of just feel that it … like you’re identifying, I don’t know, I can see the purpose but I am also a bit uncomfortable with identifying people for everything that they are, you know that kind of way, or where they are coming from. I’m not saying that it can prejudice [others] but on some level it might._

_I suppose when I have done it in the past … it would be to try and educate the judge as to why they might have acted in a certain way to try and put a context on it, which probably mightn’t make sense outside of the Traveller community, but it’s to inform the judge so they can get more understanding around their involvement in a particular offence, or that kind of issue._
You know especially when you’re doing a court report and you’re saying to the judge well I’m just accepting that because he’s a Traveller he not going to work which is not offering him all the services that are available to the Probation Service, or do you say no we’re going to try and get you into work even though we know you’re facing discrimination and its going to be difficult, or are you setting people up to fail. So that’s sort of the difficulty that we’re kind of working in a lot of the time. And it’s a real live issue, that discrimination.

The issue of ethnic and cultural identification, combined with the need to educate oneself and others (such as a judge) on the aspects of a minority person’s culture that may be important in sentencing and intervention, clearly was something that the Probation Officers had considered. This is generally consistent with recent research with Travellers as well as social work practice.

The IPRT report of April 2014 referenced above recommends that it is important for the Irish Prison Service, following the example of some prisons in the UK, to create opportunities for ethnic identification to encourage suitable services. Canadian prisons have long recognised the need to provide an opportunity for self-identification by aboriginal offenders to permit the development of culturally appropriate services.

Within social work there are debates about how social workers, in practice with multicultural communities, come to be ‘culturally competent’ (Harrison and Turner, 2011). The Probation Officers in the present study recognised ethnic identification as sometimes necessary when presenting the judges with a complete picture of the offender. Yet they also expressed the concern that discrimination exists and that identifying an ethnicity might not always be in the best interest of the offender.

In Canada it is a requirement that at sentencing a judge take account of ‘all available sanctions other than imprisonment that are reasonable in the circumstances … with particular attention to the circumstances of aboriginal offenders’ (R.S.C., 1985, c. C-46). To facilitate the attention paid to aboriginal offenders, the Supreme Court of Canada spelled out, in R. v. Gladue, the requirement for specialised reports, usually appended to a pre-sentence report, to provide specific knowledge to a

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sentencing judge about social, cultural and historical factors that may have a bearing on what sentence to impose.

Assessing risk and developing strategies both to reduce where possible and to manage it has become the foundation for probation practice in many parts of the world, including Ireland. Methods for assessing risk generally use actuarially based assessment instruments, frequently validated using large-scale samples of male offenders in custody.

This has raised questions about the applicability of such risk assessment instruments to ethnic minority offenders. For example, are there aspects of a minority culture that might result in a higher level of assessed risk based on the application of a specific instrument, but are ‘normal’ aspects of that culture? Within that culture, are these aspects in fact ‘criminogenic’?

Focus group participants in the present research were able to identify one specific aspect of the LSI-R instrument used in Ireland that could easily result in a higher risk scored for Travellers – accommodation and changes of address. At the same time, however, the comments reflected a general willingness to take that into account and not see it as weighting a risk score too heavily.

*I’m just thinking ‘Have you had two or more address changes in the last seven years’, like the Travelling communities a lot of them would have moved a lot and that would be the norm for their culture, whereas we’re scoring that negatively for the ordinary population, you know we’ve had five address stages in the last year, so I wonder have you had a job, have you had you know all the things that are scoring people on, you know that the Traveller people find harder to achieve a lot of the time.

just by virtue of the fact of the lifestyle, education and not working and into substance abuse, they’ll [Travellers] all score fairly high.

The issue of using one’s own judgement and, possibly, overriding the risk score was mentioned by several participants, with opposing ideas about how to compensate for what appears to be a bias in the instrument with respect to Travellers.

*I suppose if you take the LSI-R if you have a young Traveller man who isn’t in paid employment and again who has left school early, that alone is going
to push him very close to moderate range and again I can’t say if that makes it inaccurate or not, you know again it wouldn’t change the work we would do.

I suppose you’d have to use your professional judgement a lot more I think. If you had somebody from the settled community for instance that had three different addresses in the last six months I think your antenna would be hopping, whereas if it’s somebody from the Traveller community I think you’re beginning to use your professional judgement a little bit and you’ll suss it out a little bit more maybe to see why. I suppose you’d have an understanding that that might be part of or attributed to a cultural thing.

So that would be the criticism I suppose of the LSI-R is that it doesn’t take into account cultural risk, cultural issues, and in general people don’t override much, cause there’s just research to say that that’s not ideal to be overriding the system you’re using all the time, there’s different viewpoints on that.

Research participants were not necessarily suggesting that this deficiency would be reason enough to reject the use of risk assessment; rather that risk assessment might be helpful in preventing stereotyping, as described in the quote below.

I find them very useful for framing because a lot of the time we have, after speaking to someone, you do have an idea of what’s going on but this actually frames it for you and then it allows you to involve … it’s a fantastic tool, if you find you’re not building a relationship you can use it then as a tool, because it can be very muddy, sometimes it can be very difficult, because you are subconscious just about not wanting to ask the wrong question, not wanting to put someone in a pigeonhole …

For the Probation Officers who participated in the research, moving offenders who were members of the Travelling community from basic compliance to engagement was not dissimilar to working with others on probation, but did require extra attention with respect to establishing trust.

There was widespread acknowledgement that relations between Travellers and ‘authority’ (police, courts, etc.) as well as the media meant that Travellers were suspicious of the Probation Service as simply being
another part of a highly biased and discriminatory system. It also meant giving greater consideration to what aspects of Traveller culture might inhibit or slow down the process of engagement.

To use Bottoms’ characterisation of forms of compliance in community supervision contexts (Bottoms, 2001), the discussion centred on moving beyond instrumental/prudential compliance (based on determining what might be the easiest way to complete the bond) or less frequently constraint-based compliance, to what Bottoms called normative compliance. This is compliance based on ‘a felt moral obligation, commitment or attachment’ (Bottoms, 2001, p. 90). For Travellers to get to this kind of compliance usually took a longer time because of the necessity of getting beyond the distrust of authority as well as accepting that what the Probation Officer was suggesting would be, in some way, beneficial. None of this would be likely to be unusual with respect to working with non-.Traveller offenders, but the way to achieve this level, if possible, might be different.

A minor theme evident from the research concerned the general willingness of male Travellers to be involved in community service. There appeared to be sensitivity to the issue of potential feuds among Travellers at community service sites (a reflection of feuds among local Traveller families), and keeping this to a minimum through the management of who was at what community service site. From this discussion came the question of whether or not concern about feuding was based on an unwillingness to ask questions about whether someone was a Traveller.

[PO1] Going back to about the need to be PC and why is that and why is there a need to be PC, because there is a history of stigma and stereotyping and all of that and Travellers are not even recognised as a unique group in Irish society even though there have been recommendations and in Britain they are but they’re not in Ireland.

[PO2] Some of them don’t want to be though.

[PO1] So it’s a minefield for us and maybe more so than working with non-nationals like, do you know what I mean, our own cultural marginalised group and our relationship with them.

A variation on the theme of compliance and engagement that arose from the focus group discussions concerned gender, specifically the issue of
the gender of the Probation Officer and of the Traveller probationer. The issue did not arise in all groups, but in those where it did there was much discussion on male Traveller and female Probation Officer situations, and also on female Travellers and what they were prepared to share with female Probation Officers about domestic violence.

It would appear that Traveller culture has had very traditional views on the roles of men and women. While not considerably outside mainstream views in the 20th century, in many instances they might now be seen as quite behind the times.

Male and female Probation Officer participants alike commonly expressed experiencing distrust and/or a dismissive attitude by Traveller men towards women in professional roles. The following are typical comments from the focus group discussions on the topic:

[Female PO] If you are a female worker like, I had a male Traveller offender and no female figure in the house, the mother had left, and it was a male adult parent that I would deal with, and it was quite difficult, he didn’t take me too seriously, it was quite difficult.

[Female PO] I think that Traveller men have some sort of gender issue with professional women and that if you can work through it with them in a relational type of way that’s excellent. But I think that there is some kind of ‘Ah love, ah missus.’ But it is that kind of, it’s demeaning to women because of their gender.

[Female PO] There’s a difficulty when they realise you have a brain, it’s difficult for them to adjust to that concept, you can say things that may be challenging and yet not offensive, so when you pre-empt it by saying I’m not offending you I’m not having a go at you now but we need to establish why you’re abusive towards your wife. You know it takes a bit of getting used to for that. In relation to the women … I’ve heard it said from numerous different women all of whom have had sexual abuse issues by family members that they wouldn’t be able to talk to male Probation Officers. You know so that might be the sexual abuse issue rather than being a Traveller.

[Male PO] And then in saying that too the other context is like we might have settled women coming in too and they sometimes they feel that it might be easier to talk to a woman.
Clearly defined gender roles are a part of traditional Traveller culture, although it would appear from the research participants’ observations that the traditional Traveller culture may be quickly disappearing. This in turn leads to the need for sensitivity to shifting cultural norms when dealing with Travellers as probationers.

*I suppose for me through the years the biggest thing I would have seen is the youngsters growing up and not knowing whether they would align themselves to the Traveller culture or to the settled culture ... and sometimes it was a kind of a pull between one and the other. I found it interesting to think about but not interesting for them because they just couldn’t pick it out with you, which they were. Now I think we’re gone another generation on now so it’s probably a little bit more settled.*

*Well I think we’re coming back to that point we made at the beginning [of the focus group], you know, the two cultures, the settled culture and the Traveller cultures and the conflict that it creates as they become more settled. That there is still the pull of the Traveller culture that says well where do you think you’re going, what do you think you’re doing, that’s not the way we do things, we fall out of school at 16, we certainly don’t progress into college. That is very difficult for some of them to reconcile that.*

*Within the Traveller culture the Travelling people like to define their culture ... Travellers I think they like to tell us that their culture can be very different from my experience so that I can understand where their situation is coming from and why they have ended up in court. So I think that certainly with Travellers they like to tell you about the culture.*

As with many cultures that support strict gender roles where the female role is subordinate to the male, some aspects of domestic violence may be present. Travellers are no different in that regard. As with the topic of gender roles, domestic violence did not come up in all groups, but in several there was much discussion on abuse of women. Several female Probation Officers had Traveller women probationers who, once some level of trust was established, spoke about their experiences.

*It’s the level of violence from my experience on sites like I’d often work with the women and they might be seen black eye and cuts and bruising and I’d*
say to them, what happened to you, and they’d say ‘Oh Johnny hit me’, but it wouldn’t be serious or they mightn’t classify it as domestic violence unless they were hospitalised with some very serious injuries so then they might classify it as domestic violence.

then in [a youth outreach programme] I worked with young Traveller girls and I can remember when a girl was hit by her boyfriend they actually said she deserved it, or she did something to deserve it. I just couldn’t believe it. To try and change that attitude was impossible. So is it something that they’ve always accepted.

A final question put to each group asked what strengths they felt existed in Traveller culture that could assist in leading Traveller offenders away from crime. In many instances the discussion focused on the shifting culture described above and how difficult it might be for a Traveller in conflict with the law to move away from crime. There was no sense from the discussions that Traveller culture was seen as criminogenic; rather it was that the culture generally was changing rapidly as it became more settled and therefore traditional Traveller culture might not now be able to afford any particular paths away from crime.

It was clear that, in some instances, there were parts of the culture that were still quite strong, and the example given below of a young Traveller man’s commitment to a spiritual aspect shows how that may assist in supporting a person’s movement away from negative behaviour. It also demonstrates the Probation Officer as initially reluctant to engage with the probationer on a part of his culture, but eventually overcoming that reluctance.

I think one of the things that I have started in my focus is asking them about their spirituality, because the Travellers would have a very strong Catholic ethos … [commenting on a Traveller young male probationer] all around him there is a lot of criminality so you know what can he do for himself and what’s meaningful for him? … I was kind of going oh I wouldn’t ask, but then when I had given it a bit of thought, so now I do. Because it is something that he relies on, because he has said that he’s never going to take tablets again because it’s a thing that leads him into offending and he’s made a solemn promise to Saint someone or other. But for him that works, that’s his, you know he had made that commitment to whoever the saint is.
Other examples included confronting issues of gender roles, especially among young male Travellers working at a training centre who were refusing to wear aprons in a cooking class, as that was something that ‘only women did’. While one might imagine young males, Traveller or not, rebelling at such a thought, they did eventually come around.

It was difficult for young female Travellers to see themselves as moving forward in education, although small examples of this were mentioned in various groups where Probation Officers worked with young women. While the emphasis of the research was not on culture per se, it was clear from the comments of both Probation Officers and Travellers (see below) that culture was an important component of Traveller identity and by implication, perhaps, in work with Travellers. However, it was also clear from comments made that certain aspects of traditional Traveller culture were disappearing. This may be a matter for further research.

**Focus groups with Travellers**

The research also included one focus group with male Travellers who had been on probation, and a second group with Travellers who were service providers. The subjects in this second group all worked for a national Travellers’ organisation. The group of Travellers who had been on probation had generally good experiences both with being on probation and with the Probation Officers who supervised them. For them, having the probation bond ‘keeps manners on you.’

*It’s kind of like an invisible, you’re becoming an invisible target, you know if you get into any hassle inside that two-year period and you go in front of your man with the hammer definitely the first argument that he’s going to be throwing at you is that you have already broke your bond for two years so you know where you’re going, like.*

Direct comments on Probation Officers were limited. These two comments reflect different views.

*The Probation Officer didn’t see it [the probationer’s need to get literacy skills]; he seen the form to fill in ticking the box and sign that there, ‘we’re good today I’ll see you next week at the same time’ … he didn’t extend the hand of help he could have.*
Facilitator: Do you think he [Probation Officer] understood Travellers?

Participant: Yeah, he was good. A lot of people go in there [court] then like I was saying they’ve a bad attitude going in, the whole lot, but he understood Travellers and understood the ways about things and how things work, the way they carry on like in kind of different ways ... he was very good to me I can’t say anything bad about him.

A significantly higher number of comments were made about the perceived negative biases of both judges and the police, although even in those comments there was recognition of the occasional judge or member of An Garda Síochána who appeared to understand Travellers and treat them with respect.

The issue of respect, or perhaps more accurately the lack of it, was echoed by the focus group of Traveller service providers. They spoke at length of the long history of distrust between Travellers and the criminal justice system. Although probation was mentioned as being part of the system, examples of this lack of trust were largely from their observations of how Travellers were treated by the courts, the police and the Prison Service. Many of the comments about the Prison Service were similar to those reported in the recent IPRT study (IPRT, 2014).

Three comments, part of a longer discussion on culture, are perhaps worth quoting at length. In this focus group, the participants spoke about the need for others to respect their culture, their ‘difference’, to see how strong that culture has been but also to recognise what is happening to it now.

T1: First and foremost I believe the one’s history and culture be identified irrespective and that’s core to any recovery or reintegration process that needs to be key in terms of ... getting knowledge of Traveller culture, its values, its customs, its traditions, and because there can be at some stage a very different approach to work with Travellers than working with mainstream in terms of ... the family unit, the family infrastructure, in terms of anti-racism discrimination, in terms of trust so that has to be acknowledged ... But core to me would be respect of culture; [this] needs to be core to any piece of work with Travellers.

3 Irish Police Force.
T2: Just proud of being a Traveller, we know we’re Travellers … for years back we’re Travellers. So we think as much about the Travellers, we’re proud of ourselves, proud of our history, our culture, that’s our way of life and that’s our way of going on.

T3: I think you’ve got to be very proud of how resilient [Travellers] are, like you take the mindset of the state in terms of state responses over the last 50, 60 years like have been one of trying to eliminate Travellers, the fact, that’s what it is, the policies, commissions … in terms of the Task Force report in 1995, you take currently in terms of Traveller Accommodation Act you currently have over 72% of Travellers living in standard private accommodation, they’re not living on the street, you can see the mindset, not as blatant as it was in the sixties but it’s still very much the same as that. So yeah I think you have to be proud of one’s identity, culture or family unit or extended family, where we came from and more importantly how resilient we are to still be a very vibrant community after sixty years of travelling and the assimilation mindset, I think it’s core.

I think you can look at it in terms again of the many reasons Travellers are being convicted or into criminality in terms of Travellers being posted into private town houses so that family’s infrastructure has gone, vanished, and that’s why there’s an increase of substance issues in terms of mental health issues, in terms of prison, coming out of prison, and re-entering the prison system so you got to look at that in terms of again, the feelings of the state in terms of an Irish context in terms of how we handle repeat offenders in relation to one’s culture and identity, the whole situation, that has to be taken into account, and I believe that’s one of the key reasons why the Travellers are over-represented in prison, there’s no question for me, in terms of Travellers being posted into standard housing and being taken away from that support structure.

Conclusion

While the research presented here was based on a relatively small sample of Probation Officers and an even smaller sample of Travellers, a number of findings can be briefly summarised. Caution should be exercised with respect to the generalisability of these findings due to the small sample sizes.
• Most probation staff that participated had experience working with members of the Travelling community, in many cases both before becoming Probation Officers and afterwards.
• There was general understanding among probation staff that Travellers had experienced discrimination from the criminal justice system as a group as well as individually. This however did not appear to be a factor either excusing or minimising offending behaviour.
• Understanding of the culture of Travellers varied, but in general Probation Officers both appreciated it and were prepared to consider using aspects of the culture that might assist movement away from offending behaviour.
• Deep concern was expressed by some in the research groups that the decline in the culture and the adoption of a more settled existence was leaving some Travellers, especially young males on probation, with significant challenges in terms of developing a future for themselves.
• Travellers were critical of the criminal justice system in general and views of probation experience were mixed, with both positive and negative experiences being reported. Travellers asked that their culture and way of life be respected by those in the system with whom they had contact, such as judges, police, and prison and probation staff.

The research identified the discomfort that some Probation Officers had with respect to identifying Travellers and their culture in court reports as possibly increasing the possibility for discrimination, yet it also indicated that many Probation Officers are in fact familiar with and sensitive to this culture. When appropriate, they were not reluctant to use it in a positive way. Similarly to the recommendations of the IPRT report (IPRT, 2014) about a more positive approach to ethnic identification, it would seem that the Probation Officers who participated in the research were aware of the potential advantages this might have.

References
AITHS (2010), All Ireland Traveller Health Study: Our Geels – Summary of Findings, Dublin: School of Public Health, Physiotherapy and Population Science, University College Dublin


