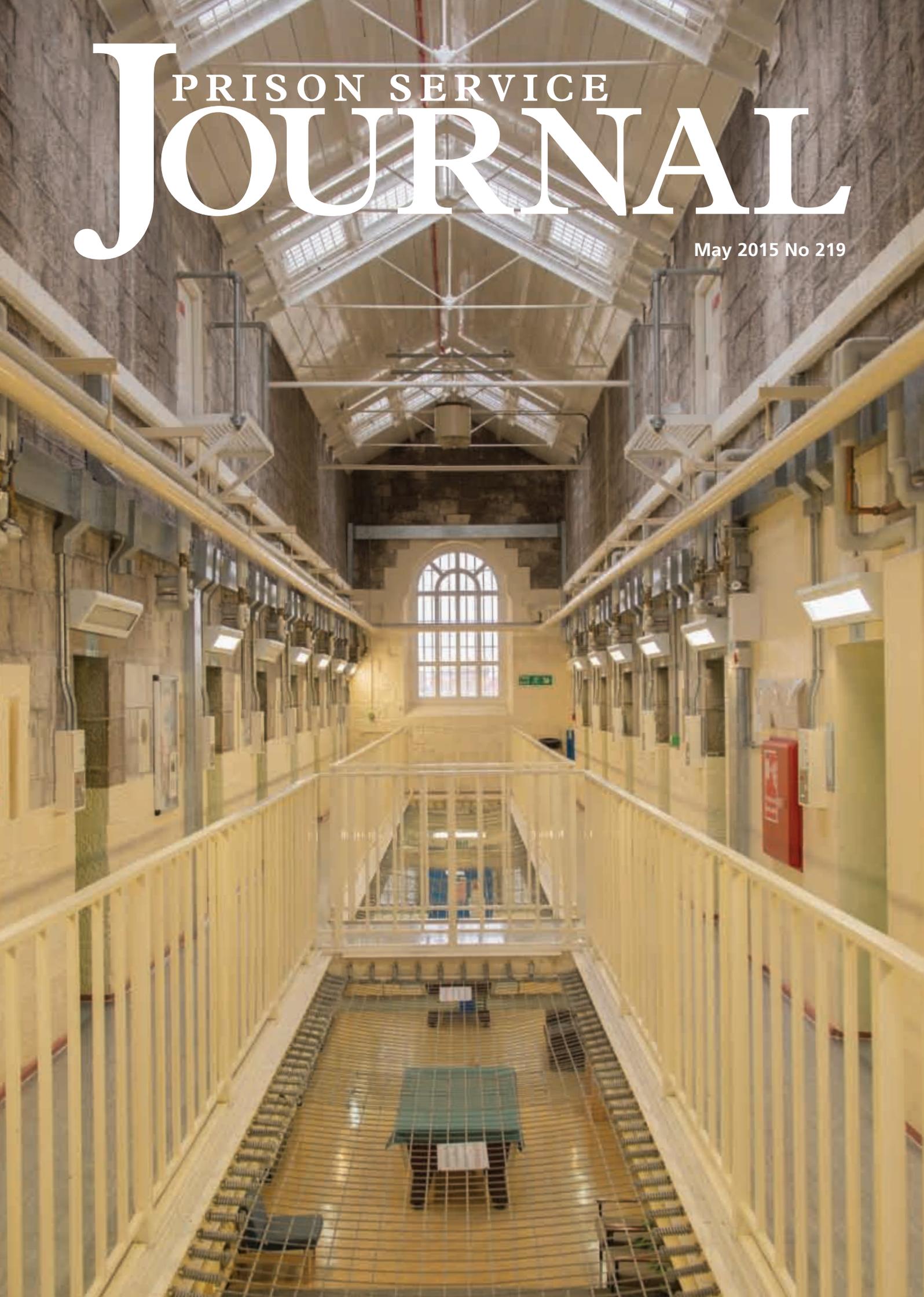


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Becoming Visible:

Gypsy Roma Travellers in Prison

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Introduction

In February 2014 Her Majesty's Inspectorate of Prisons found 1/20 of all prisoners to be from a Gypsy Roma or Traveller background.¹ The findings beg further investigation to fill the gaps in knowledge, and, encourage debate (in contrast to the silence) around why so many GRT people are incarcerated, or, at risk of being so in the near future. Apposite to the disclosure by HMIP this article focuses on the literature available on GRT communities and the criminal justice systems across the UK, Ireland and elsewhere in Europe. In particular, attention is drawn to key works sourced during compilation of my 2008 PhD.² In the first instance the historic invisibility of GRT communities within criminal justice systems is analysed, followed by a critical evaluation of literature concerning policing of these communities. Thereafter and prior to a conclusion, attention is focussed on how we might theorize the situation of Gypsy Roma Travellers within criminal justice systems.

The Invisibility of Gypsy Roma Travellers

As far back as 1979 Marti Gronfors raised concerns as to what was unknown about the GRT community and the criminal justice system in Finland suggesting that:

It would be of great service to criminologists, to administrators and to public opinion in

general, if national or ethnic origins, both of offenders and of victims, could be shown, along with sex and age.³

Later, in 1994 Pizani Williams⁴ was the first author to assess the situation of GRTs within the criminal justice system in England. As a serving probation officer, Williams had contact with the Traveller community in Kent. Using her status as an insider to undertake research and create statistics⁵ Williams found that Travellers were more likely to be prosecuted earlier in their criminal career than non-Travellers and this finding was supported by the number of cautions⁶ Travellers had received in comparison to non-Travellers. It is of concern then that the recent report by HMIP found that within secure training centres (holding young people between 12 and 18 years old) 12 per cent considered themselves as Gypsy, Romany or Traveller whilst in Medway STC in Kent, this figure was 22 per cent. More shocking still is the fact that these figures may be even higher (many individuals may have feared negative consequences of disclosure). It is also of huge concern that in 2014 policy officer Cottrell-Boyce⁷ stated that:

On numerous occasions I've spoken to frustrated probation officers who have had to recommend custody rather than a community sentence in pre-sentence reports because the Traveller offender in question lacked the literacy level needed to enrol on an offender behaviour course in the community.⁸

1. People in prison: Gypsies, Romany and Travellers A findings paper by HM Inspectorate of Prisons: <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmiprobation/joint-thematic/gypsies-romany-travellers-findings.pdf>
2. Drummond, A. (2008) *Irish Travellers and the Criminal Justice Systems across the Island of Ireland*, PhD Thesis University of Ulster, funded by DELNI.
3. Page 15: Gronfors, M. (1979) *Finnish Gypsies and the Police: An Examination of a Racial Minority and its Relationship with Law Enforcement Agents*, London School of Economics and Political Science, University of London.
4. Williams, L.P. (1994) *Gypsies and Travellers in the Criminal Justice System: The Forgotten Minority?* University of Cambridge Institute of Criminology, Cropwood Occasional Papers No. 23.
5. At the behest of Williams from 01/04/1994 until 13/09/1994 Kent Probation Service included an additional category of Traveller within the monitoring of pre-sentence reports. Thus, comparisons of proposals made in pre-sentencing reports and decisions taken in sentencing between black/white and Traveller populations were enabled. Probation officers also completed an additional 21 questionnaires with Travellers and interviewed six Travellers already known to them on their caseload.
6. As stated by the CPS 'A caution is a serious matter [yet it may] give 'rise to a danger that an offender will be cautioned when a more informal action might have been more appropriate': http://www.cps.gov.uk/legal/a_to_c/cautioning_and_diversion/index.html#a03
7. Cottrell-Boyce, J. (2014) 'Too many Gypsies and Travellers end up in prison – this must be addressed', <http://www.theguardian.com/commentisfree/2014/mar/12/too-many-gypsies-travellers-prison-education> [Accessed: 13/03/14]
8. Similar issues were identified within a major research project on which I was employed as a research assistant: Power (2004) <http://www.statewatch.org/news/2005/feb/Room-to-Roam-England's-Irish-Travellers.pdf>

The 2014 findings of HMIP beg at least two questions. In the first instance: how many opportunities have been missed to intervene in this dire situation since Williams first raised the issue in 1994? Secondly, what impact is the government funding cuts having on this particular group?⁹

In 2002 police officer O'Hanlon¹⁰ observed that the 'invisibility of the [Gypsy/Traveller] community alone [within criminal justice system statistics] suggests a potential for institutional racism'. Likewise, referring to the situation pan-Europe the Directorate General for Employment and Social Affairs of the European Commission (2004)¹¹ expressed concerns that:

The current gap in race-specific statistical data deprives policy makers of a clear and justifiable basis for action. Without such statistical data, little concrete information exists which might motivate change (DGESAEC, 2004: 39).

Hence the recent findings by HMIP on the GRT community should be welcomed by academics, practitioners, and, members of the GRT communities.

As in the case of researchers before me, one of the main problems I faced in my research was a dearth of statistics on the GRT community and criminal justice (in any jurisdiction within Europe). Literature on stop and search on the island of Ireland was unavailable during my research exercise. Largely, I found the ethnicity of Travellers was not monitored by criminal justice systems across the island. Efforts to ascertain information on Travellers held within prisons in Northern Ireland and the Republic were met with extremely limited assistance. However, during the literature review I

found that in 2002 and 2003 respectively Linehan *et al*¹² and Fitzpatrick Associates¹³ both raised concerns as to the lack of accurate statistics on Travellers in jail. Apposite to the findings of HMIP in 2014 Linehan *et al* assessed the incarceration rate of Travellers to be particularly high in contrast to other white Irish prisoners. In addition, Linehan *et al* were particularly concerned as to the un-met mental health needs of incarcerated Travellers. Similarly, in Greece in 2000 Livaditis *et al* raised concerns with regards the situation for the Roma vis-à-vis non Roma held within Greek jails.¹⁴ Due to the lack of knowledge on Travellers and prison the research findings of Fitzpatrick Associates and NTDI remain of special interest.

The research conducted by Fitzpatrick Associates and NTDI consisted of a training project with three aims. The first aim was to assess the awareness levels of prison officers and inmates concerning multi-ethnic nationality¹⁵ and Irish Traveller cultures. The second aim was to deliver training to prison officers and inmates relevant to differing 'multi-cultures'. The third aim was to collect feedback and assess the findings. The outcome was that inmates reported that the sessions concerning Travellers had been more beneficial to them (the inmates) than sessions concerning multi-ethnic nationalities, yet, for prison officers, the reverse was found to be true.¹⁶

Despite a lack of statistics to inform my research, informally I found the Police Service for Northern Ireland *do* record Travellers held in custody although this information is not made publicly available.¹⁷ Also, in summer 2007, as a consequence of an informal conversation with police officers at Londonderry/Derry airport, I was shown a receipt book used when stopping and cautioning or fining individuals for traffic

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9. In 2011 myself and others were made redundant from a GRT support services team (which I managed) delivered by Central & Cecil Housing Trust. The service had been praised by police and probation services for its intervention and work with ex offenders, and, amongst other issues, assisting Travellers with literacy to enable them to take their driver theory tests.
 10. P. 57: O'Hanlon, M. (2002) 'An Investigation into how the Metropolitan Police Service Performs its Function in Relation to Gypsy and Traveller Communities, MSc. Race and Ethnic Relations, Birkbeck College, University of London.
 11. Directorate General for Employment and Social affairs of the European Commission, (2004) 'The Situation of Roma in an Enlarged European Union; Fundamental Rights and Anti-discrimination', Luxembourg: Office for Official Publications of the European Communities.
 12. Linehan, S., Duffy, D., O'Neill, H., O'Neill, C., Kennedy, H. G. (2002) 'Irish Travellers and Forensic Mental Health', *Irish Journal of Psychological Medicine*, 2002; 19 (3): 76-79.
 13. Fitzpatrick Associates and NTDI (2003) 'Research and Training Project for Intercultural Awareness', Report prepared for The Irish Prison Service, conducted in Wheatfield Prison.
 14. Livaditis *et al* (2000) found that Greek Gypsies were over-represented in Greek jails and that the mental health of Gypsies held in Greek prisons was also a cause for concern: Livaditis, M., Fotiadou, M., Kouloubardou, F., Samakouri, M., Tripsianis, G., Gizari, F., (2000) 'Greek Adolescents in Custody: Psychological Morbidity, Family Characteristics and Minority Groups', *The Journal of Forensic Psychiatry*, Vol 11, December, 597-607.
 15. This is the actual term used by NTDI.
 16. The findings raise the following hypotheses:
 - a. Perhaps there were more Irish Travellers in prison than indicated in official statistics such as Volume 8 of the 2002 Census. In Volume 8, Table 27 indicated that only 197 Irish Travellers had been held in prison in 2002: http://www.cso.ie/census/documents/vol8_t26_34.pdf, [Accessed: 20/05/05]. Regrettably, the link has been removed since my initial discovery of this information.
 - b. The findings could reflect the fact that prison officers were in greater need of knowledge concerning minorities other than Travellers.
 - c. Perhaps the findings are indicative of racism towards non Irish nationals by inmates.
 - d. The findings could indicate a lack of concern for Irish Travellers as a distinct ethnic minority by officers.
 17. This information was made known to me as a consequence of meetings with three police officers in Northern Ireland.

violations. The receipt book held five categories of ethnicity, one being 'Irish Traveller'. Therefore the PSNI has for some (indistinguishable) time had the ability to officially monitor the ethnicity of Travellers (and others) with regards traffic violations. Yet, it remains unclear as to how such a system can be enforced. Travellers stopped for motoring offences might simply claim a White identity. Despite a lack of statistics on the GRT communities and concerns at the negative outcomes this may have had for them,¹⁸ as outlined in detail below the impact of what has been referred to as the canteen culture¹⁹ of policing on Travellers is clearer.

Policing the GRT Communities

In England Police officer John Coxhead²⁰ disclosed that in 2001 the Police Complaints Authority Annual Report²¹ raised concerns that their members 'noted a growing number of examples during the year of allegations of discriminatory treatment of Travellers'. Dismay was expressed by the PCA that 'police officers, on and off duty, continue to use offensive language and stereotypes' with regards Travellers.²² Overall, the PCA found the behaviour of some officers to be 'incompatible with ethical and respectful policing' and that 'evidence of it should invariably result in formal misconduct action'.²³ Coxhead also found that prejudiced officers are allowed to contaminate cultural awareness training sessions (especially concerning GRT issues) and little has been done to counteract such a serious issue. In fact, Coxhead identified that sessions can become problematic for trainers:

Coxhead also found that prejudiced officers are allowed to contaminate cultural awareness training sessions (especially concerning GRT issues) and little has been done to counteract such a serious issue.

*Racists can believe very strongly that their labelling, categorisations and assumptions are the truth and such strong belief can be overwhelming to a susceptible trainer...No practitioner can be effective unless they believe in what they are doing and their values are harmonised, not cognitively dissonant, with the content matter they are training.*²⁴

Similarly, during my research I found five Travellers who had trained police officers in cultural awareness perceived those officers as being there purely on orders, as opposed to wanting to learn about Traveller culture.²⁵ The perspectives of the Travellers were that the attitudes of police officers had made trainers anxious for each awareness seminar to end. In particular, the manner of police officers had dissuaded one Traveller who had given awareness sessions to police in Northern Ireland from ever doing so again. I was informed by this same Traveller that some police officers (some of whom were new recruits) sat with their heads bowed as if asleep, some yawned animatedly, others leaned back in their chairs as if relaxing. This is despite recommendations in Northern Ireland made by the Patten Report in 1999²⁶ as to 'the development and integration of community awareness training into all aspects of training for police recruits'.²⁷

The information presented so far indicates a need for the continual close inspection of police work. As stated by O'Rawe and Moore in 1997: 'policing is a

18. If the ethnicity of GRTs is not recorded then intervention is impossible. See: Mac Gabhann, C. (2012) *Voices Unheard A Study of Irish Travellers in Prison*, The Irish Chaplaincy in Britain: http://www.iprt.ie/files/Voices_Unheard_June_2011.pdf
19. Identified by Reiner (1992) as the sexist/racist/homophobic behaviour and language of policing: Reiner, R. (1992) *The Politics of the Police*, 2nd Edition, Sussex, St. Martins Press.
20. Coxhead, J (2004) 'Anti-Racism Training Strategies for the Police Service and Criminal Justice Sector, Gypsies and Travellers', Paper presented to the Police Service and Criminal Justice Sector, 01/08/04, Derbyshire Police Headquarters. Coxhead, J. (2007) *The Last Bastion of Racism: Gypsies, Travellers and Policing*, Trentham Books, Stoke on Trent.
21. Police Complaints Annual Report (2001 - 2002: 65), cited by Coxhead (2004: 4).
22. *Ibid*: cited by Coxhead, (2004: 4).
23. *Ibid*: 2004: 4.
24. Coxhead, 2007: 40.
25. In Britain Williams, (1994: 25) found that '[a]ttempts to include Gypsies and Travellers in race relations training for police officers have been received with hostility and rejection [by police]'
26. Patten Report (1999) The Report of the Independent Commission on Policing for Northern Ireland, <http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>
27. Patten Report (1999) cited at p: 29: Police Service of Northern Ireland (2002) 'New Directions, A Human Rights and Racial Equality Focus on Policing with Ethnic Minority Communities', Ramada Hotel, Belfast, 21st-22nd October 2002, PSNI Northern Ireland.

function carried out in the name of society as a whole'. Moreover:

...it is a civic responsibility to monitor closely how policing is carried out, and to ensure that it is discharged in accordance with international principles, and with respect for all...It is in the interests of the police and society as a whole that policing be subjected to regular and intense scrutiny.²⁸

In line with the mantra of respect for all, in discussion of a miscarriage of justice that occurred close to the border with Northern Ireland, the conclusion of the Morris Tribunal 2006²⁹ exemplified why policing requires 'regular and intense scrutiny'.

The Morris Tribunal 2006 found that on the 22nd of May 1998, in the company of Detective Garda Thomas Kilcoyne, Detective Sergeant John White had 'deliberately planted a gun at an encampment of the Irish Traveller Community at Burnfoot'³⁰ in County Donegal. It was said that Detective Sergeant White had engaged in 'this shocking conduct' in order to:

...make it more likely that an arrest under section 30 of the Offences Against the State Act, 1939 could, and would, be used against those peacefully camped there.³¹

The Morris Tribunal found that after planting a gun at the Traveller site Detective Sergeant John White organised a search of the site and seven Travellers were arrested. In summary of the findings, the Morris Tribunal found that the seven Irish Travellers were 'referred to casually by derogatory names while they were in Garda custody'.³² In fact, it was found that members of the Irish Traveller Community had been subjected to:

...racist abuse by certain isolated Gardaí that the Tribunal cannot [could not/was unable to] identify by name or rank.³³

In summary, the Morris Tribunal asserted that 'for the security of the State and for the security of its citizens', it is evident that there must be an 'effective police force'.³⁴ In the Tribunal's opinion, with regards to the events at Burnfoot 'proper discipline [had] been lost from the Garda Síochána'.³⁵ In conclusion the Morris Tribunal warned that:

Without a management structure being restored to the Gardaí that is based on strict compliance with orders, and immediate accountability, the danger is extreme that what the Tribunal has reported on in Donegal will be repeated; and that such conduct will multiply if allowed to go unchecked.³⁶

Given the evidence outlined so far, how might we begin to theorize the findings by HMIP 2014 that 1/20 prisoners are from the GRT communities?

Theorizing the Incarceration of GRT People

On occasions nomadic groups (and those linked by association such as non-nomadic GRT people) are subjected to increased surveillance by police due to their status as deviant or 'other' which is amplified in discourse within the media.³⁷ The Morris Tribunal underlined the fact that the status of outsider might incur miscarriages of justice for some Gypsy Roma Travellers. Thus, as indicated by a range of authors it appears to be the case that it is the processes involved in surveillance of so called 'dangerous classes',³⁸ the labelling (and processing) of them as deviants during stages of engagement with members of the criminal

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28. Cited at p:10: O'Rawe, M., Moore, L. (1997) *Human Rights on Duty, Principles for Better Policing – International Lessons for Northern Ireland*, Committee on the Administration of Justice Ltd, Belfast.
29. *The Morris Tribunal* (2006) 'Report of the Tribunal of Inquiry Set up Pursuant to the Tribunal of Inquiry (Evidence) Acts 1921- 2002 into Certain Gardaí in the Donegal Division; Chairman: The Honourable Mr. Justice Frederick R. Morris, Report on the Arrest and Detention of Seven Persons at Burnfoot, County Donegal on the 23rd of May 1998 and the Investigation Relating to Same', <http://www.justice.ie/en/JELR/Morris5thRpt.pdf/Files/Morris5thRpt.pdf> (Accessed: 10/11/06).
30. *The Morris Tribunal*, 2006, Conclusions (1): 187.
31. *The Morris Tribunal*, 2006, (1).
32. *The Morris Tribunal*, 2006, Chapter 2, Conclusions: 12.
33. *ibid*: 14.
34. *The Morris Tribunal*, Chapter 6, Conclusions and Recommendations: 6.05.
35. *ibid*: 6.05.
36. *ibid*: 6: 05.
37. See: Richardson, J. (2006) *The Gypsy Debate, Can Discourse Control?*, Imprint Academic, Exeter. See also Vanderbeck, R. M. (2003) 'Youth, Racism, and Place in the Tony Martin Affair,' *Antipode*, Volume 35, Number 2, March 2003, pp: 363-384(22) Publisher: Blackwell Publishing.
38. See page 298 of Scraton & Chadwick as they discuss what is referred to as the 'dangerous classes' being those individuals who's 'conditions were seen as the breeding ground of dissension and a real threat to civil order and social stability' Scraton, P., Chadwick, K. (2005) 'The Theoretical and Political Priorities of Critical Criminology', P: 294-309, in, *Criminological Perspectives, Essential Readings*, 2nd ed. E. McLaughlin, J. Muncie, G. Hughes, (Eds.) Sage, London.

justice agencies that requires further scrutiny.³⁹ The impact of marginalisation must also be considered. I doubt many Travellers are in jail due solely to the direct impact of anti-trespass laws and lack of accommodation provision.⁴⁰ Nevertheless, such a scenario will likely have an impact on access to education and employment for many Travellers⁴¹ and much has been written about the links between lack of education, employment opportunities and risk of incarceration.⁴² Moreover, as identified by Fountain 2006, unemployment is also a risk factor for problematic drug use.⁴³ The potential for victimhood at the hands of vigilantes may also be increased due to the double jeopardy created by lack of accommodation provision, and, use of anti-trespass legislation.⁴⁴ Of course it is true that some offenders choose to commit crimes. However, alongside the gaze of criminal justice agencies the notion of self-fulfilling prophecies: (broadly) acting up to stereotypes and becoming criminal as a consequence of labelling, requires further contemplation. Thus, sociology (especially its school of interactionist thought) may be able to enlighten us. Investigation along these lines of enquiry could enable us to answer the question why so many Gypsy Roma Travellers are incarcerated, and, how to counteract it. It may also engender further debate as to bad apples, barrels, or even, orchards, within policing.⁴⁵

It is evident that until very recently little was known as to the situation of Travellers with criminal justice agencies. Certainly there was a dearth of statistics. However, research such as mine and that of other authors has identified the gaps in knowledge surrounding this issue. We should all be concerned as to the recent findings of HMIP for they imply (as stated by Cottrell-Boyce) that we are paying 'a high [financial and social] price for telling an entire community that they are not wanted'. My research indicates strongly that since the 1960s governments in the UK and Ireland reinforced this message by passing anti-trespass legislation despite failing to deliver on promises concerning accommodation policies for Travellers. I remain deeply concerned as to the mental health issues of anyone who is victim to the pernicious impact of being labelled, relegated to the status of outsider, and, largely forgotten within society in general. Now that GRT people have started to become visible within prisons we need to open up debate around the silences on this issue and ask why so many Gypsy Roma Travellers are currently held in jail.

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39. Cemlyn et al found that Gypsies and Travellers can be reluctant to report crimes against them to police thus they can experience a high rate of surveillance alongside under-protection: Cemlyn, S., Greenfields, M., Burnett, S., Matthews, Z., & Whitwell, C. (2009) Inequalities experienced by Gypsy and Traveller communities: A review, available at: http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf [Accessed: 24/03/14].
40. Despite my claim, during my research I interviewed an elderly nomadic Traveller in Cork. As a consequence of there being no transient sites to resort to, the Traveller and his wife were the first two people to receive suspended prison sentences for illegal encampment in the Republic of Ireland. Despite the fact that the couple were claiming welfare benefits the courts also fined them and their son €1000 between them.
41. I discuss such issues in the following articles: Drummond, A. (2007) 'The Construction of Irish Travellers (and Gypsies) as a Problem', pp: 2 - 42, in, *Migrants and Memory: The Forgotten "Postcolonials"*, (Ed. Micheál Ó hAodha), Cambridge Scholars Publishing. Drummond, A. (2007) 'Keep on Moving, Don't Stop Now: Anti-trespass Laws on the Island of Ireland', (Eds. Micheal Hayes & Thomas Acton) p; 37 - 53, in, *Travellers, Gypsies, Roma: The Demonisation of Difference*, Cambridge Scholars Publishing, Newcastle-Upon-Tyne. Drummond, A. (2006), 'Cultural Denigration: Media representation of Irish Travellers as Criminal', P: 75 - 85, in, *Counter-Hegemony and the Postcolonial "Other"* (Eds. M, Hayes, T, Acton), Cambridge Scholars Press, Cambridge.
42. See for example: Morgan, M., Kett, M. (2003) 'The Prison Adult Literacy Survey Results and Implications', Irish Prisons Service and Education Department, St. Patrick's College, and Department of Education and Science, Dublin, http://www.irishprisons.ie/pdf/Adult_Literacy_Survey.pdf, (Accessed: 02/08/06). Ó Loingsigh, G. (2004) Getting Out, Staying Out: The experiences of Prisoners Upon Release', Irish Prisons, http://www.iprt.ie/files/ireland/getting_out_staying_out.pdf, (Accessed: 20/10/05). Seymour, M. (2004) 'Homeless Offenders in the Community: The Issues and Challenges for Probation Supervision', *Irish Probation Journal*, Volume 1, September 2004, pp: 2-13.
43. Fountain, J. (2006) National Advisory Committee on Drugs 'An Overview of the Nature and Extent of Illicit Drug Use Amongst the Traveller Community: an Exploratory Study', Published by the Stationery Office, Dublin.
44. Vigilantism against Travellers is the main concern of the following article: Drummond-Donnelly, A (2014) Not in My Back Yard: Control of Irish Travellers by Paramilitaries and Vigilantes across the Island of Ireland, *Contemporary Justice Review*.
45. See: Gottschalk, P., Dean, G., & Glomseth, R. 'Police Misconduct and Crime: Bad Apples or Systems Failure?' *Journal of Money Laundering*, Vol 15, 1, 2012.