

Problem Gambling and Crime: Impacts and Solutions

A Proceedings Report on the National Think Tank



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Executive Summary

This report represents the proceedings of the first nationwide *Think Tank on Problem Gambling and Crime: Impacts and Solutions*, hosted by the Florida Council on Compulsive Gambling and the University of Florida Fredric G. Levin College of Law, and held in Orlando, Florida, from May 11th through 13th, 2005.

The purpose of the *Think Tank* was to develop a strategic plan that will guide the efforts of the Florida Council on Compulsive Gambling (FCCG) and its partners as they work with Florida's law enforcement and criminal justice systems to identify problem and pathological gamblers, and coordinate services, treatment and related supports in a context which values justice and due process.

Bringing together a number of prominent representatives from government offices, law enforcement organizations, the problem gambling treatment community, the corrections and judicial systems, the legal profession, the gambling industry, and the academic research community, the forum examined the wide-ranging impacts of problem and pathological gambling on crime, law enforcement, the judicial process and the economy of the state and nation.

Problem gambling is a broad term that refers to all of the patterns of gambling behavior that compromise, disrupt or damage personal, family or vocational pursuits. Pathological gambling lies at one end of a continuum of problematic gambling involvement. According to the American Psychiatric Association, pathological gambling is a treatable mental health disorder, characterized by loss of control over gambling, chasing of losses, lies and deception, family and job disruption, financial bailouts and illegal acts. Some studies have shown that among compulsive gamblers, the crime rate is as high as 50-67%. It is estimated that problem and pathological gamblers cost the United States approximately \$5 billion per year and an additional \$40 billion in lifetime costs for productivity reductions, social services and creditor losses.

Here in Florida, FCCG prevalence studies have documented that adult problem and pathological gamblers are almost four times as likely to have been arrested as non-problem gamblers, and adolescents are also exhibiting illegal behavior related to their gambling. An FCCG study of youth within the Florida Department of Juvenile Justice system found that 17% of adolescents, ages 11-20, attributed their imprisonment in the juvenile justice facility to gambling (Lieberman and Cuadrado, 2002).

Overall, problem gambling has legal consequences in all groups of society from youth to senior citizens, in all social strata and socio-economic levels, as well as across all races and ethnic groups.

During the course of two full days, *Think Tank* participants considered these trends and implications, identified key findings and developed policy goals that capture a vision for the future. For each of these eight goals, an analysis of critical issues and a series of

recommendations for action were identified. A summary of the policy goals and accompanying critical issues and actions follow.

1. Florida will have in place a clear, consistent state policy on gambling that addresses both regulatory and public health issues.

Critical issues were identified and discussed, including:

- The current structure of government oversight for mental health, addictions and other public health issues in Florida does not formally address gambling. The lack of a definitive public policy – or a designated entity within the structure of government oversight for other public health issues in Florida – that addresses gambling, and the related lack of public understanding regarding the consequences of problem gambling for individuals, families and communities;
- The resulting pressure, on Florida’s Governor, Legislature and other decision-makers to respond to multiple proposals and concerns related to gambling on a case-by-case basis, without the benefit of broader, evidence-based thinking.

Recommended actions include:

- Ongoing development and support of legislation and other public policy initiatives that recognize gambling as a public health issue and respond to the link between problem gambling and crime.
- Collaboration with the Office of Drug Control, the Attorney General’s Office, the Legislature and other parties to develop and publicize a more comprehensive analysis of the impact of gambling on Florida and to design state policy that addresses the regulatory, public health and related aspects of gambling.
- Developing and influencing public policy on the requirement for the gambling industry to more formally and consistently address responsible gambling.
- More consistent collection and shared utilization of data – across state and community-based organizations – related to gambling.

2. Problem gambling as a public health issue will be overseen by one designated entity at the state level.

Critical issues were identified and discussed, including:

- The public health implications of expanded gambling, and responsibility for related “big picture” analysis are not currently assigned within Florida state government;

- The experience of other states suggests a bi-furcated approach – public health implications overseen by one entity, while regulatory issues are overseen by another – as one effective alternative that would build on the Florida Department of Business and Professional Regulation’s current regulatory responsibility for gambling and the Office of Drug Control’s current role with substance abuse;
- Alternate oversight models, including an independent board or commission that might insure greater objectivity; and
- Strong consensus regarding the need for Florida’s policy-makers to receive comprehensive analysis on the impact of gambling initiatives, and identification of a need for further consideration of both models, above.

Recommended actions include:

- Discussions with the Executive Office of the Governor, the Office for Drug Control, the Department of Juvenile Justice, the Attorney General’s Office, the Department of Health, and the Florida Lottery to further explore the assignment of responsibility for problem gambling as a public health issue, and for comprehensive policy analysis related to problem gambling.
- Providing ongoing information and support to the aforementioned entities regarding the benefits of designating one organization with responsibility for problem gambling as a public health issue.

3. Research, planning and decision-making with regard to problem gambling and the criminal justice system will take place from a broad, culturally competent perspective, with ongoing input from diverse constituencies.

Critical issues were identified and discussed, including:

- Little understanding – among professionals and the public alike – regarding the role of culture in gambling behavior, and the resulting inability of public policy to address these concerns systematically;
- The absence of representation from diverse constituencies in most research, planning and other decision-making efforts related to problem gambling and the criminal justice system;
- Existing coalitions and other groups focusing on the issue locally are often over-extended and not closely linked to state or national policy efforts; and
- The resulting lack of access to culturally appropriate assessment, intervention and treatment options for at-risk, incarcerated or recently released individuals.

Recommended actions include:

- Engaging minority groups in discussions on problem gambling and the criminal justice system, while increasing support to existing coalitions to encourage their focus on these related issues;
- Participating in ongoing public education and strategies to recognize and address the needs of minorities involved in the criminal justice system based on their problem gambling, and reaching out to non-public entities¹ (community and faith-based organizations, for example) to enlist them in this effort.

4. Expanded education for the public, for public policy makers, and for law enforcement and criminal justice professionals will change attitudes and support a proactive approach to problem gambling and crime.

Critical issues were identified and discussed, including:

- A lack of awareness among community members, criminal justice professionals and other institutions regarding the link between problem gambling and crime, or the associated costs to families, communities, institutions and the criminal justice system;
- The related lack of consideration for these issues in public policy or system change efforts;
- The need for continued, aggressive efforts to raise awareness and support a proactive approach, expanding Florida-specific research on the issue, broadening the reach of prevention curricula in schools and community organizations, and reaching law enforcement, the defense bar, prosecutors and judges with educational initiatives.

Recommended actions include:

- Establishing a statewide requirement that problem gambling prevention programming be presented in public schools, using the curriculum developed by the Florida Council on Problem Gambling and endorsed by the Florida Departments of Education, Health, Drug Control, Juvenile Justice, Lottery and Children and Families.

¹ Program models exist that could be explored and possibly adapted for use in Florida, including a prison-based training program in Louisiana for non-denominational jailhouse clergy who are sent as ‘missionaries’ to other prisons. This program is associated with a significant decrease in violence in the prisons where it has been implemented.

- Developing and delivering educational initiatives customized for law enforcement, defense attorneys, prosecutors and judges on screening and identification of problem gamblers and options for sentencing and restitution.
- 5. Florida will have a system in place to identify those with gambling problems at all levels within law enforcement and criminal justice.**

Critical issues were identified and discussed, including:

- Inconsistent screening for problem gambling at any point of contact with law enforcement or criminal justice systems in Florida;
- This lack of screening also exists among individuals with substance abuse or mental health disorders when they enter the criminal justice system or present for treatment at community-based treatment agencies, even though co-morbidity is high between problem gambling, substance abuse and mental health;
- Once an individual has entered the criminal justice system and faces sentencing, judges do not have consistent access to sentencing alternatives such as gambling treatment or Gamblers Anonymous; and
- The limitation that incarceration represents to the problem gambler's ability to make restitution, a critical part of successful gambling treatment.

Recommended actions include:

- Developing screening mechanisms to identify problem gambling at appropriate points in an individual's progress through the law enforcement and criminal justice system, from the initial investigation through arrest, booking to arraignment, and trial and sentencing.
 - Training law enforcement personnel, defense and prosecuting attorneys, and judges on screening, identifying and responding to problem gamblers, both in traditional and therapeutic justice settings.
 - Encouraging existing drug, mental health and domestic violence courts to screen current participants for problem gambling and establishing a process for those who fall outside the scope.
 - Developing gambling courts along the model of drug courts, in jurisdictions where the level of problem gambling related cases warrant such specialized approach.
- 6. Problem gamblers in Florida will have access to therapeutic justice through drug, mental health, domestic violence and/or gambling courts.**

Critical issues were identified and discussed, including those noted on page 8:

- There are growing numbers of drug, mental health and domestic violence courts developing in many communities, although this therapeutic justice approach is not well understood within traditional law enforcement and criminal justice systems;
- Preliminary outcome data from therapeutic justice courts, including the nation's first Gambling Court in Amherst, New York, indicate lower recidivism rates and a majority of participants completing court-ordered treatment; and
- Communities that have had good experiences with drug, mental health or domestic violence courts are more likely to recognize the need for, and to support the development of, gambling court.

Recommended Actions:

- Reaching out to drug, mental health and domestic violence court judges to identify jurisdictions in which gambling court might be developed.
- Learning from the experiences of existing gambling courts or treatment referral programs with regard to developing forms, protocols and policies.
- Providing ongoing support to any jurisdiction that wishes to explore or develop the gambling court model.

7. High quality problem gambling treatment options will be consistently available at sentencing, in both traditional and therapeutic justice court settings.

Critical issues were identified and discussed, including:

- In Florida, neither the state or the gambling industry provides funding for gambling treatment and there are too few qualified counselors available to special populations such as arrestees, incarcerated individuals and individuals who are on probation;
- While other states have established consistent funding streams for treatment and demonstrated positive outcomes, there is a lack of Florida-specific data on treatment outcomes to support funding proposals or changes in public policy;
- Although efforts are currently underway to increase the number of credentialed problem gambling counselors, there are no formal mechanisms in place to link counseling services with the courts and probation departments; and

- To some criminal justice professionals, the inability to “test” for abstinence from problem gambling is a disincentive to the use of alternative sentencing with this population.

Recommended actions include:

- Compiling existing data on sentencing and restitution options and outcomes, and sharing these in other therapeutic justice settings and with professional associations and other law enforcement, court and probation professionals.
- Seeking funding for problem gambling-specific treatment that will enable expansion of credentialed counselors, as well as gambling treatment options at sentencing.
- Securing funding and enlisting the assistance of universities, colleges and others in studying problem gambling issues in Florida, including research on problem gambling specific crime and treatment related issues and impacts.

8. All incarcerated individuals will have access to trained problem gambling counselors and Gamblers Anonymous meetings.

Critical issues were identified and discussed as follows:

- The criminal justice system response to problem gamblers is challenged by some of the same factors that confront problem gamblers seeking help in the community. A large number of incarcerated individuals with a need for gambling treatment and/or self-help support do not have access, due to the shortage of credentialed problem gambling counselors and the lack of formal relationships between the problem gambling treatment and criminal justice systems;
- Gamblers Anonymous is not consistently available statewide for individuals living in the community, but is less available to those who are incarcerated; and
- Gamblers Anonymous members with a history of felony conviction are often precluded from participating in meetings within the prison system, which makes it more difficult for a convicted problem gambler to get peer support while in prison.

Recommended actions include:

- Expanding existing data collections, such as the screening being done in Miami-Dade County, toward a statewide data collection effort.
- Developing statewide resource networks for judges and probation officers to support offender access to education and treatment.

- Establishing Gamblers Anonymous groups in prisons and jails, and increasing the number of certified gambling counselors who are available to work with the criminal justice system.
- Seeking funding that will help expand the access of offenders to certified counseling and Gamblers Anonymous.
- Replicating the Florida Council on Compulsive Gambling's pilot program, offering problem gambling treatment to youth in Department of Juvenile Justice facilities, on a larger scale.
- Building evaluation mechanisms into all program development or expansion efforts.

The rapid expansion of gambling in Florida, the increasing number of gamblers experiencing severe problems related to their gambling activity, and the criminal, legal and treatment issues that arise when problem gamblers commit illegal acts suggest an urgent need to better define and more comprehensively address the link between problematic gambling and crime. Policy makers and government leaders, community leaders, and law enforcement and criminal justice professionals must become educated about problem gambling and active in the effort to establish a more effective criminal justice response to gambling related crimes.

In the recommendations above, *Think Tank* participants endorse an approach that incorporates the expansion of research and prevention education efforts, the inclusion of gambling assessment, intervention and treatment in law enforcement and criminal justice system protocols, and a more comprehensive approach to public policy development and decision-making on topics related to gambling and its public health implications for Florida.