

Overcoming Problem Gambling

A Guide for Louisiana's Legal, Criminal Justice, and Court Professionals

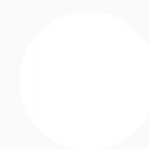


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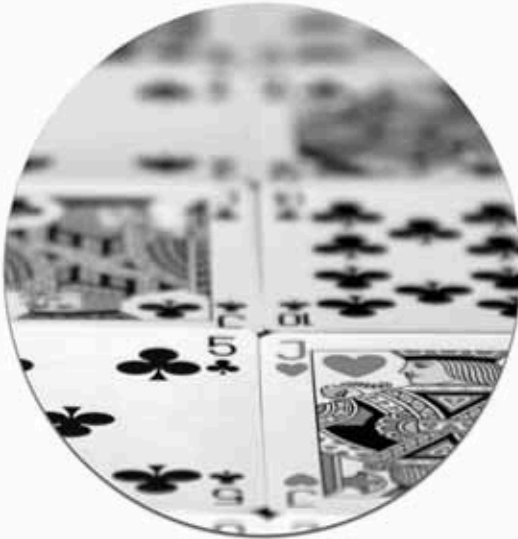
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Problem Gambling and Crime



Those who struggle with problem gambling progress through a spiral of behaviors that can eventually lead to crime. Ultimately, the person struggling with gambling has a need to obtain money, which may result in the need to move, manipulate, or juggle funds and to tighten resources. When this is not enough, the person may turn to illegal activities as a way to continue the addiction. This illegal activity may include, but is not limited to:

- Forgery and fraud
- Theft and embezzlement
- Tax violations such as fraud and evasion
- Burglary and armed robbery
- Drug sales
- Intimate partner and family violence
- Child neglect
- Prostitution

Gambling is mostly viewed as a form of entertainment, and for most people, it is. However, 5.4% of Louisiana residents, or almost 180,000 people, may have a gambling problem and 2.9% of Louisiana residents, or over 96,000 people, meet the criteria for Gambling Disorders.

The National Council on Problem Gambling defines problem gambling as all gambling behavior patterns that compromise, disrupt, or damage personal, family, or vocational pursuits.

Problem gambling is the loss of control manifested by the continuation of gambling behavior in spite of mounting, serious, negative consequences and can result in financial ruin, legal problems, loss of career and family, or even suicide.

Gambling Disorder, formerly referred to as Pathological Gambling Disorder or Compulsive Gambling, is an addictive disorder defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th edition, as:

Persistent and recurrent problematic gambling behavior leading to clinically significant impairment or distress, as indicated by the individual exhibiting four (or more) of the following in a 12 month period:

- a. Needs to gamble with increasing amounts of money in order to achieve the desired excitement.**
- b. Is restless or irritable when attempting to cut down or stop gambling.**
- c. Has made repeated unsuccessful efforts to control, cut back, or stop gambling.**
- d. Is often preoccupied with gambling (e.g., having persistent thoughts of reliving past gambling experiences, handicapping or planning the next venture, thinking of ways to get money with which to gamble).**
- e. Often gambles when feeling distressed (e.g., helpless, guilty, anxious, depressed).**
- f. After losing money gambling, often returns another day to get even (“chasing” one’s losses).**
- g. Lies to conceal the extent of involvement with gambling.**
- h. Has jeopardized or lost a significant relationship, job, or educational or career opportunity because of gambling.**
- i. Relies on others to provide money to relieve desperate financial situations caused by gambling.**



A Gambling Disorder is progressive and without treatment, will negatively affect every aspect of a person’s life, and can place hardships on both the legal and criminal justice systems.

The primary purpose of this guide is to enable the judiciary to identify and secure viable alternatives to incarceration alone and to provide the opportunity for rehabilitation to persons committing crimes as the result of a gambling addiction, while also providing restitution to victims. Problem gambling and gambling addiction are treatable and in Louisiana, treatment is completely free.



Unique Challenges to Legal, Criminal Justice, and Court Systems

More often than not, the criminal aspects of problem gambling are not well known to police, probation and correction officers, or to attorneys, public defenders, prosecutors, judges and others within legal and law enforcement systems. Also, this addiction is not easily seen nor is it able to be tested for like alcohol and drugs. For example, police officers and other law enforcement authorities do not routinely screen and document gambling as a motivation for criminal activity during an investigation. Similarly, attorneys and judges may not be aware that gambling played a central role in a criminal offense. Moreover, probation officers may not recognize the importance of restricting some individuals from gambling activities or from certain venues.

Many problem gamblers do not have prior histories of illegal activities and may eventually

turn to crime (primarily non-violent in nature) to fund their addiction. When incarcerated, they usually continue their gambling addiction, playing cards for cigarettes, favors, or money, placing sports bets with prison bookies, selling drugs to pay for gambling, and providing services for other inmates to offset gambling debts. Therefore, without proper screening and intervention, those with gambling problems who commit crimes are likely to return to gambling, and illegal activities, upon release.

The good news is that the Louisiana Department of Health, Office of Behavioral Health provides residential and outpatient treatment program services and 24/7 confidential Helplines with phone, chat, and texting to Louisiana residents for free. There are resources available to provide support throughout every phase of the criminal justice process.

Legal, Law Enforcement, and the Court Systems are Part of the Solution

When problem gamblers exhaust all legal financial options, they frequently turn to crime to finance the next bet, to replace losses, or to pay off gambling debts, bookies, or others. From that point forward until the time of arrest, through booking and arraignment, and the subsequent trial process, including sentencing and probation or incarceration, problem gamblers come into contact with legal and law enforcement professionals, members of the judiciary and others within the criminal justice system. Yet, most times, authorities are unaware of problem gambling and its presence and **effects** on individuals, families, communities, and society as a whole. They also do not often appreciate the difficulties this addiction presents within the legal, law enforcement and judicial arenas.

Understanding how gambling affects one's life and recognizing associated social and legal impacts are important components in aiding clients and incarcerated persons committing crimes due to a gambling addiction. As such, law enforcement officers, attorneys, public defenders and prosecutors, judges, correction and probation officers, and others servicing this population are integral components to the restitution and rehabilitation process and therefore, a part of the solution.

Law Enforcement Officers Can Play a Role

Law enforcement officers are generally the first point of contact for an offender, so it is important that gambling be considered as a possible motive for the offense, particularly in crimes of money and property. Unlike offenders with chemical addictions, a person struggling with problem gambling does not exhibit any outward visual signs (ex. stumbling while walking or slurred speech), nor can gambling addiction be tested via blood or urine analyses. For this reason, problem gambling is commonly referred to as the "hidden disorder" and is not typically acknowledged as a **contributor to the crime or voluntarily admitted to by the offending gambler.**

When conducting an initial investigation, screening is imperative in order to recognize individuals who may be committing crimes as a result of a gambling addiction. Utilizing the screening tools found on pages 10 and 11, and documenting gambling as a possible factor in the crime, this information can be included in law enforcement reports for further consideration during judicial proceedings. This easy process can not only provide a possible motive for the offense, but is an opportunity to intervene in the addiction, ultimately reducing the possibility of re-offending.



Attorneys and Public Defenders Can Play a Role

It is fairly common for an attorney or public defender to be unaware that a client's gambling addiction resulted in the writing of bad checks, sale of drugs, credit card fraud, embezzlement, theft, or other crimes.

When beginning the interview process with a client, be sure to ask the following:

1. Did gambling play a role in the crime you are accused of committing?

☐ Yes

☐ No

2. How often do you gamble?

☐ Never

☐ Daily

☐ Weekly


☐ Monthly

☐ Less than Monthly

A response of "Yes" to Question 1 or any response other than "Never" to Question 2 prompts the need for further evaluation, at which point you can use one of the screening tools found on pages 10 and 11 to determine whether your client may be have a gambling problem.

If it is established that difficulties due to gambling have played a role in the crime, the client must be evaluated by a trained treatment professional and meet established criteria in order for the addiction to be considered in the case. For Louisiana residents, treatment for gambling problems is completely free, so cost is never a deterrent to your client receiving treatment.

For a non-violent first or second time offender whose crimes are directly related to a gambling problem, placing these individuals in a treatment program can serve society in multiple ways. It can reduce judicial caseload, decrease costs to society associated with incarceration, and provide for payment of restitution to victims of the crime, as well as furnish an opportunity for the gambling addict to break the cycle of crimes related to gambling.

The background of the page features a grayscale image of playing cards and coins. A King of Hearts card is visible on the left side, and several coins are scattered at the bottom. The text is presented in a white box with a blue border on the right side of the page.

When an arresting officer asks an alleged offender about gambling, and information about whether a gambling addiction is suspected or identified is included in the report, it ensures that legal counsel and judges are aware of the connection, and it allows for consideration by the court. Many addicted individuals will not address their addiction without being required to do so; therefore, the offender should be required to:

- Seek treatment, counseling, and support for their gambling addiction.
- Stay away from gambling facilities or other establishments where gambling occurs.
- Remain abstinent from any form of gambling activity (including video poker, lottery, cards, sports betting, etc.)
- Make restitution to victims for their losses.

Considering the high rate of co-occurring disorders among this population, coupled with the reality that many problem gamblers will turn to alcohol or drugs as a means of substituting one addiction for another, it is important to contemplate additional restrictions as a means of assuring compliance and abstinence. Moreover, the reverse is also true. It is equally critical to be attentive to individuals with substance abuse or mental health disorders when they enter the criminal justice system.

By establishing a screening protocol among the substance abuse and mental health populations entering the judicial system, those having a gambling addiction can also be identified. It is clear that for those who suffer from multiple addictions, it is most effective to address each one comprehensively in order to prevent the individual from switching addictions or relapsing due to a gambling problem. Using this approach, these offenders will have the best possible chance of succeeding in their recovery and not returning to the system.

Since most offenses committed by individuals with a gambling addiction are crimes for money, having the gambler in a position to work and repay their victim's losses while undergoing gambling specific treatment may be the best way to serve society. Specialized counselors from the Louisiana Association on Compulsive Gambling (LACG) can assist the court and probation officers in identifying and providing resources to meet court directives and needs. The courts may also consider establishing gambling courts, which are similar in philosophy to drug courts and **can** be integrated into the current drug court system. For those who are first or second time non-violent offenders who are found to have a gambling problem, which contributed to their crime, this option could be viable. Identified individuals could be referred to LACG's 24-Hour HelpLine for referrals to treatment, counseling, and support groups. All of these services and programs are completely free.

Gambling within correctional facilities can lead to many disruptions and problems within the prison population. Prisoners may turn to theft from other inmates to cover gambling debts or to obtain items to gamble with. They may also attempt to smuggle in items from the outside in order to place bets. Fights may break out over unpaid gambling debts or theft of items. Research among prison populations indicates that almost 20% of prisoners are problem gamblers, and these gamblers showed higher criminality and rates of psychopathy, depression, and substance abuse than other **prisoners**. Therefore, it is important to recognize inmates with gambling addictions to help address personal impacts and reduce negative effects on themselves and others. By including the following simple questions about gambling habits in the intake process, correctional facilities can identify inmates with a gambling addiction early in the process and provide them with rehabilitation materials or services to utilize during their incarceration:

1. Did gambling play a role in your incarceration?

☐ Yes

☐ No

2. How often do you gamble?

☐ Never

☐ Daily

☐ Weekly

☐ Monthly

☐ Less than Monthly

A response of “Yes” to Question 1 or any response other than “Never” to Question 2 prompts the need use one of the screening tools found on pages 10 and 11 for additional questions.

Though it is encouraged that attorneys and others within the criminal justice system ask these questions, assuring that this information is examined at the correctional facility level provides an additional opportunity for identification and intervention. By assuring that these bases are covered, inmates who are problem gamblers can be helped, resulting in heightened recovery efforts, changed behaviors, and reductions in illegal activities upon release.



Probation Officers Can Play a Role

Once an offender has entered the court system and been sentenced for their crime, whether probation or incarceration followed by probation was required, it is up to you to ensure that clients complete the requirements set forth by the courts. As incarcerated individuals with gambling problems are released from facilities and prepare to re-enter society, it is very easy for them to return to the activities that caused them to commit their crimes in the first place. By creating guidelines for these individuals that prohibit them from frequenting gambling facilities or establishments **where** gambling can take place, prohibiting participation in all forms of gambling activities, and requiring attendance in a program for gambling addiction, you can help to reduce the temptation that may cause clients to fail to successfully complete their probation or to re-offend.

One of the most difficult and important aspects of helping problem gamblers maintain abstinence is by aiding in substituting the gambling behavior with new and healthy alternative routines. In most cases, gambling has become such a huge part of their lives that they have come to rely upon how it makes them feel at any given point in time. Therefore, rarely do addicted gamblers experience similar levels of excitement or relief when engaging in other activities. Although this is true across age groups, it is particularly the case among older adult gamblers. To stop the behavior **abruptly** can result in increased challenges to a client, at which time the combination of professional treatment and a self-help support group can prove to be extremely beneficial.

Establishing realistic probation requirements can aid clients in their recovery efforts from a gambling addiction and help to curtail repeat offenses and incarceration.

Some sample conditions include:

- Abstaining from All Forms of Gambling
- Participating in Gambling Addiction Treatment
- Attending Self-Help/Support Group Meetings
- Performing Community Service
- Repaying Losses (e.g. Employment Requirements)
- Avoiding Gambling Establishments and Other Locations Where Gambling Occurs



Your First Point of Contact

The Louisiana Association on Compulsive Gambling (LACG) should be your first point of contact.

LACG's 24-hour confidential Helpline **(1-877-770-STOP)** provides authorities with resources and referrals to trained mental health and addiction professionals who are specialized in helping those with gambling addictions

Free programs offered through the Helpline include:

Soft Transfer Program – Enables callers to schedule their very first appointment with a certified treatment professional while on the phone.

Free Treatment Programs – All treatment provided for problem gamblers is completely free, so those without financial means or insurance are able to receive ongoing therapeutic support. Free counseling and outpatient treatment is available in all areas of Louisiana, and free residential treatment is located in **Shreveport**.

Screening Tool: Lie-Bet Questionnaire

1. Have you ever felt the need to bet more and more money?

☐ Yes

☐ No

2. Have you ever had to lie to people important to you about how much you gambled?

☐ Yes

☐ No

A “yes” response to either question indicates potential gambling-related problems and the need for additional assessment. The individual should be referred to the hotline at **1-877-770 STOP** to access the free treatment services provided to Louisiana residents.



Screening Tool:

Brief Bio-social Gambling Screen (BBGS)

1. During the past 12 months, have you become restless irritable or anxious when trying to stop/cut down on gambling?

☐ Yes

☐ No

2. During the past 12 months, have you tried to keep your family or friends from knowing how much you gambled?

☐ Yes

☐ No

3. During the past 12 months did you have such financial trouble as a result of your gambling that you had to get help with living expenses from family, friends or welfare?

☐ Yes

☐ No

Answering 'Yes' to one or more questions indicates that the person may be at risk for a gambling problem.

The individual should be referred to the LACG's 24-hour confidential Helpline at

1-877-770 STOP

to access the free treatment services provided to Louisiana residents.



Resources

Florida Council on Compulsive Gambling. (2009). A Chance for Change: Gambling Addiction & Crime.

Gambling Education and Prevention Needs Assessment for Juveniles in Residential Detention Centers of the Florida Department of Juvenile Justice, A Report to the Florida Council on Compulsive Gambling, Drs. Louis Lieberman, Ph.D., John Jay College of Criminal Justice, C.U.N.Y., and Mary Cuadrado, Ph.D., Department of Criminology, University of South Florida at Sarasota, 2002.

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Notes

Notes



For more information, visit:

www.FreeGamblingHelpLA.org

If you think you may have a gambling problem,
text or call the Helpline:

1-877-770-STOP



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