Gambling related harms across the criminal justice system

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There is a growing call to recognise the role and impact of gambling related harms and addiction within the criminal justice system. Gambling behaviour, and harm, exists on a spectrum ranging from recreational activity to addiction. Gambling addiction is defined as a behavioural addiction (DSM-V American Psychiatric Association, 2013). Gambling harm is described as ‘varied and diffuse’ (Langham et al, 2016), extending beyond addiction to wider, negative, consequences in all aspects of life (immediate and longer term impacts on finances, relationships, emotional/psychological wellbeing, health, culture, employment, education and criminal activity). In fact, the widespread impact of gambling harms is increasingly being recognised as a public health issue (The Lancet, 2021; Public Health England, 2021).

In 2019, the Howard League for Penal Reform established the Commission on Crime and Gambling Related Harms. The Commission is concerned with crime as a recognised gambling related harm, and the direct relationship between gambling addiction (also termed problem, pathological, or disordered gambling) and resultant criminal activity. It is concerned with the ways in which broader gambling harms can link to and impact on the criminal justice system. The Commission explores the ways in which gambling harms might exist as both a causal, contributing, and/or contextual factor to criminal activity. Despite some examples of good practice, the Commission has identified an overarching lack of awareness and understanding of the nature and relationship between crime, gambling harms and addiction across the criminal justice system (Commission on Crime and Gambling Related Harms, 2021).

This article will provide a brief overview of the Commission’s research findings at different stages of criminal justice system, ending with some concluding thoughts about the importance of increased awareness and improved responses throughout the criminal justice system.
**Sentencing**

The Commission’s first research project explored sentencers’ understanding and treatment of gambling related harms in the court. The research found that whilst magistrates may have a general awareness of gambling, there was a limited understanding of gambling related harms and how they might relate to crime (Page, 2020). The hidden nature of gambling related harms in the courtroom was seen to be compounded by a lack of training and clarity about how the issue should be dealt with (e.g., effective sentencing options or treatment). The findings of this research, and the reflections of those with lived experience of gambling related harm and crime, highlighted significant variation and tension in sentencers’ responses (and thus implications for criminal justice outcomes): is gambling an addiction or choice; a mitigating or aggravating factor? Sentencers who took part in the research were keen to address this, improving outcomes for those coming before them, and their victims.

**Prisons and probation**

The Commission’s second project “Surviving, not living”: Lived experiences of crime and gambling provides a detailed overview of people’s experiences of prison and probation (Smith, 2022). The experiences of women and people from ethnic minority communities will be further explored in two forthcoming peer research projects. Research participants described a near total lack of support available for gambling addiction in prison, as well as a lack of understanding amongst staff and other prisoners (Smith, 2022). Recovery in prison was made more challenging by the role that gambling plays in prison culture, the subject of upcoming research by the Commission. This lack of understanding/knowledge extended to the probation service, in which people explained that there was limited understanding, and little tailored support. Probation’s role in providing pre-sentence reports (PSRs) to the court was also highlighted, with PSRs being an important vehicle through which gambling harm and addiction could be explained and better understood.

**Police custody suites**

One area in which the Commission was aware of good practice was the police custody suite. The Commission’s third research project built on examples of this good practice, such as the screening and referral pathway developed by Beacon Counselling Trust and Cheshire Constabulary that two of our Commissioners are involved with (Churcher, 2022). Screening refers to the use of self-report tools developed to identify gambling harms and addiction (see Ramanauskas, 2020 for a detailed overview). The police custody suite is a significant engagement point, not only with the criminal justice system, but with Liaison and Diversion (L&D) and other health and social services. This research sought to better understand police awareness and practice relating to crime and gambling harms, using FOI requests to ascertain whether, how, and why forces screened for gambling related harm, to ascertain what offences might be linked to gambling, and the implications of this.
The research uncovered a varied picture of screening practices for gambling harms and addiction in custody suites among forces in England and Wales:

- Twenty per cent screened systematically, with variations in who was screened; triggers for screening; screening tools used. A range of local and national partner and support organisations were used by these forces to refer or signpost people. Services comprised both specialist gambling services and general support services for addictions and financial problems.
- Forty one per cent did not conduct any kind of screening and did not display any kind of awareness.
- Thirty nine per cent did not screen systematically but indicated some awareness of gambling harms (they noted that it might be identified through a general risk/needs assessment, and provided leaflet information on booking in/release).

Case study interviews with police and L&D representatives illustrated the different ways in which screening and support pathways could be developed and implemented, sometimes driven by just one individual within a force. There was consensus around a lack of appropriate local services, a barrier to developing appropriate referral pathways. Gambling was often seen as a ‘hidden’ addiction, difficult to identify, with no physically visible signs. Because of this, participants highlighted the importance of rapport building and holistic assessment in identifying people in need of support. Participants also explored the benefits and limitations of conducting screening in a busy custody environment versus a more private space. Reflecting on experiences in identifying, developing awareness, or screening for gambling related harm, participants noted the diverse nature of gambling related crime, and suggested that this diversity should be considered when looking at gambling related harm as both a motivating or contextual factor, alongside other vulnerabilities, and in consideration of local contexts.

Our findings about gambling related crime showed a diverse range of offence types and illustrate the need for wider awareness among criminal justice professionals. As one case study participant said:

‘We would be doing a disservice if all we looked at were the obvious theft and fraud. We need to look at, with an open mind, things that aren’t always obvious.’ (Case study interview)
Large scale frauds or thefts targeting employers or close family members often attract the most media attention, and indeed are more likely to continue through the criminal justice system. While these cases do happen, our research suggested a much wider picture of criminality than previously understood, challenging existing assumptions that gambling related crime is most often acquisitive (see Figure 1). Modus Operandi (MO) text provided some contextual understanding of how gambling harms and addiction might link to a more diverse range of crimes. In these narratives, violent offences related to greater propensity to anger, frustration, with gambling harm and addiction as both a cause and response to negative emotional states or relationships. Acquisitive crimes often involved smaller sums and were frequently committed against friends, family, and partners.
Conclusions

A greater awareness of gambling related crime, harm and addiction is needed across the criminal justice system. The diverse and far-reaching nature of gambling related harms, and indeed gambling’s designation as a behavioural addiction, are highly relevant to criminal justice engagement, both as contextual harms in people’s lives, and as causal/contributory factors to crime.

A lack of awareness and screening can result in missed opportunities to minimise current and future harms and address (re)offending, as does the narrow approach to what gambling related crime might look like. Awareness of the nuanced scale of gambling harm and crime facilitates different opportunities to support and de-escalate before, during, and after engagement with the criminal justice system. In fact, as seen in our research into police custody suites, the police station may often be the first and only point of engagement.

An awareness of gambling related harm and addiction has further implications for criminal justice outcomes in diversion, sentencing, and supervision. Greater understanding and better provision could enhance diversion and treatment opportunities and ensure that support to address causal and contextual harms to offending are available at each stage of the criminal justice system. The Commission seeks to minimise the harms of gambling and ensure that diversion is at the heart of its work - but also to ensure that, when people do end up in the criminal justice system, appropriate treatment and support is available.

References


