The Development & Recommendations for Gambling Treatment Diversion Courts

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Talk Roadmap

- Quick rehash from yesterday
  - Understanding gambling-motivated crime and its prevalence *(quick rehash from yesterday)*
  - Issues within the carceral system for those accused of gambling-motivated crimes
- History of Gambling Treatment Diversion
- Evaluation Research Findings
- Recommendations
- Q & A

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"Gambling-Motivated Crime"

- Primarily **non-violent, financial crimes** committed in order to pay off gambling "debts" and/or continue gambling (Adolphe et al., 2018)
  - The most common types: embezzlement, larceny, theft, robbery, & counterfeit currency
- Most often committed against **family, friends, or employers** (crimes of **trust**)
- Prevalence: >50% (Binde, 2016; Blaszczynski, McConaghy, & Frankova, 1989; Zorland et al., 2008)
- Gambling is the **second most frequent motivation** for serious fraud prosecutions

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Why problem gamblers commit gambling-motivated crimes:
Gambling produces a cycle of addiction wherein gamblers acquire debt from gambling and must then gamble to earn money to pay off these debts while remaining stuck in this pattern and unable to desist resulting in gambling-motivated crimes
Gambling
Gambling Problems
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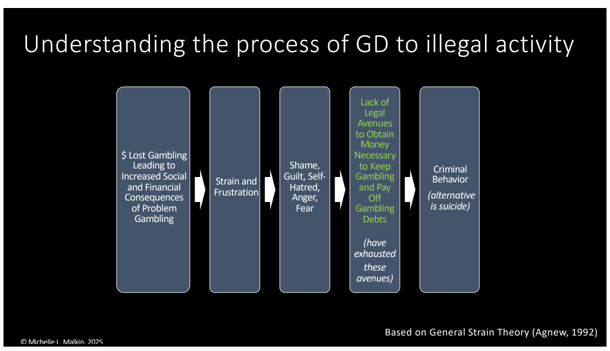
Understanding the process of GD to illegal activity
$ Lost Gambling Leading to Increased Social and Financial Consequences of Problem Gambling
Strain and Frustration
Shame, Guilt, Self-Hatred, Anger, Fear
Lack of Legal Avenues to Obtain Money Necessary to Keep Gambling and Pay Off Gambling Debts
(have exhausted these avenues)
Criminal Behavior
(alternative is suicide)
Based on General Strain Theory (Agnew, 1992)
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WHY: Gambling Treatment Diversion Courts v. Traditional CJ Experience
Lack of understanding/training in Gambling Disorder
Do not assess for gambling
Not treated like other addictions/lack of treatment opportunities
Lower chances of employment/paying restitution
Gambling within jails/prisons
Develop Gambling Disorder in prison
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Gambling Treatment Diversion Courts (GTDC)

Origins of GTDC

- Based on drug court model
- Judge Farrell and the first court (Amherst, NY)
  - Misdemeanors
  - Judicially formed

Nevada

- Legislation codifying support
- Clark County GTDC
  - Official court started in 2018
  - up to 36 months, 4 phases
  - Court meets every other week *(as needed)*
  - 14 participants, 2 recidivated *(as of 12/31/23)*

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Evaluation Research

First research evaluation of a GTDC

Started in March, 2022 (ending May, 2023)

Observe staff meetings and court sessions

Review documents

Stakeholder interviews (25+)

77% of current/past participants

Workgroup Members (past, current)

Judges, attorneys, initiators, assessment/ treatment providers, community stakeholders

Qualitative analysis with triangulation (started on some themes discussed today - expected completion in Fall)

**Research is supported in part by a small grant from the Nevada Council on Problem Gambling*

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Clark County GDTC Program

Program requirements – primarily "compliance"

- **"IOP"** treatment with certified gambling treatment counselor (1-2 hours/week for 12 weeks)
- **Gamblers Anonymous** min 2 meetings/wk
- **Moral Reconation Therapy** (MRT) group *(started 2023)*
- **Drug testing** 2-3 times per week Phase 1, random Phases 2-4
- Heavy **surveillance** (e.g. Life 360)
- Continuous **financial disclosures**
- **Financial literacy** and budgeting throughout program *(gamfin relationship started 2024)*
- **Expungement** upon completion

Restitution & program fees

- Full **restitution** is expected
  - **Civil judgement** at 3 yrs *(started 2022)*
- $1500 **program fee** after restitution *($50,000 grant to cover costs)*

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It's a Treatment Court NOT a Punishment Court

"By going through this in a manner where **you are not being judged** that you are as harshly as you probably judge yourself. But where we're hoping to **provide you with some necessary tools** that you don't have to feel this way again, that you don't have to be so rough on yourself. So, you know, in extreme situations, suicidal about it, and I think that's what works in a lot of ways." (GTDC Workgroup)

"The court is not punitive. The punishment [going to jail/prison] is hanging out there. The judge in the in GTDC doesn't have to be threatening them or be punitive because if they fail, the punishment is waiting for them. So, the judge has the freedom to be a part of the team who supports them. The judge is as much a leader and a mentor and a support system. And so, I think everybody who comes in comes in as you would expect just literally terrified. And then in the first meeting is where the judge says 'okay, we want you to know that we're here to help you. And we're going to need you to do some things - you're going to have to commit and and do your part, but we're here to do our part. **Our part is to see to it that you have what you need to take care of your life.** It's not a checklist...' So why it works is because they feel comfortable sharing the truth with the judge that we really work hard to establish a trusting relationship." (GTDC Workgroup)

"...A punishment should be **motivating**" (GTDC Participant)

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Legislation v. Judicial
Creation

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Buy-In from Workgroup & Community

- Who are the stakeholders
  - Potential participants, retained and public defense attorneys, prosecutors, pre-trial probation/parole, judges (magistrate and trial), law enforcement, treatment providers, community advocates, victims, and family members/affected others
- Stakeholder & community **education**
- **Inclusion of family members & victims?**
- Keeping defendants in **state courts** (not federal)
- Assess **all** people accused of "relevant" crimes
  - Assess ALL people for gambling (like drugs/alcohol)

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Determining "Eligibility" for Diversion

Screening tools:
BBGS (25+)
EAGS (18-24)

Prosecutor/community concern – Gambling Disorder + Crime v Gambling-Motivated Crime

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Criteria for eligibility for gambling treatment diversion programs/courts?

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The Gambling-Motivated Crime Checklist*

What is gambling-motivated crime?

- Crime committed is **acquisitional** (financial) in nature
- Uses the stolen funds to gamble and/or pay off gambling debts
- Most likely a crime against someone they know (Family member, friend, employer, neighbor, community, etc.)

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The Gambling-Motivated Crime Checklist*

Likely Characteristics of the Individual - (1 of 2 slides)

- Practitioner Assessments:
  - Scores at the moderate to severe levels of problem gambling on reliable problem gambling assessments (i.e., DSM5, CPGI, PGSI)
  - Scores on the Gambling Pathways Questionnaire (GPQ) as Pathway 1 – Behaviorally Conditioned and/or Pathway 2 – Emotionally Vulnerable
- Individual has exhausted all available legal means to gain funds (Checking, savings, 401K (when allowed), credit card advances, personal loans, payday loans, borrowing money from others, etc.)

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The Gambling-Motivated Crime Checklist*

Likely Characteristics of the Individual - (2 of 2 slides)

- Feels shame/guilt over the criminal act
- Rationalized their behavior (at least in the beginning) as funds they were "borrowing" and/or would "pay back" after gambling (due to a big win or money they believed they were getting in another way)
- If multiple criminal counts/withdrawals/thefts, will admit that taking the funds got easier over time after not initially getting "caught"
- Does not have a significant past criminal record

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The Gambling-Motivated Crime Checklist*

What characteristics should reduce accessibility/benefit of diversion? (Individual should not meet any of these criterion and would require further assessment)

- Individual has legally available funds (checking, savings, etc.) when they commit the crime
- Anti-social personality/significant criminal background
- Crime committed is not acquisitional (financial) in nature
- Uses the stolen funds primarily to purchase expensive items (jewelry, cars, new house, etc.) *(greed v gambling-motivated crime)*

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Checklist Criteria Examples from Study

Crime Characteristics

- **Acquisitional crime:** ***"It was never about hurting anyone. It was always about finding money to feed my gambling."*** **– Participant**
- **$ to gamble &/or pay gambling-related debts:** ***"They don't take the money and stash it. It's gone the same day—into the casino."*** **– Workgroup**
- **Betrayal of trust:** ***"These aren't robberies of strangers. They're betrayals of employers, spouses, churches."*** – Workgroup

Individual Characteristics

- **Gambling severity:** ***"Most of them have clinical-level gambling addiction severity, but the hidden nature of the problem masks it."*** – Workgroup
- **Minimal criminal history:** ***"This was my first arrest… I'd never even been in a courtroom before this."*** **– Participant**
- **Exhausted available funds:** ***"They've tried credit cards, payday loans, family. Every legal door is closed when the crime happens."*** – Workgroup
- **Shame and guilt:** ***"The shame eats you alive. I think about it every day. It's an awful feeling knowing I did this to my own family."*** – Participant
- **Rationalization of 'borrowing':** ***"Almost every single one of them says, 'I wasn't stealing—I was just borrowing until I won it back.'"*** – Workgroup
- **Easier over time:** ***"The first time was terrifying. After that, it became routine. You go from terrified to calculated. That's addiction logic."*** **–** Participant & Workgroup

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QR Code for the Checklist

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Program Compliance – Monitoring "Use"

- A urine/blood test cannot indicate whether a participant is staying "clean" from gambling
  - Monitoring takes the form examining finances and use of time*
- **Financial disclosures** are the first step for monitoring whether someone is gambling
  - For the person with GD who is actively gambling, money is their "drug," however they cannot live a healthy life without being able to access money and budget accordingly
- GTDCs must develop a process to monitor the income, expenses, and budgets of all participants
  - Based on lessons from the Clark County GTDC, this includes regular submission of all bank statements, credit card statements, tax filings, and other financial documents, as well as restricting participants' ability to take out new credit cards or loans without court approval

**It is recommended that regular drug testing occur in the the first phase and on-going for those with a history of drug/alcohol abuse or who fail drug tests in the first phase. For participants those that have no history of a substance commonality and pass all first phase tests, GTDCs this should consider be phasinged out drug testing, unless the individual needs a sanction later in their GTDC supervision.*

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Program Compliance – Restricting Access

- **Restricting access** to brick and mortar and online/app-based gambling can be used as a monitoring tool
  - There are several software programs (ex Gamblock and Gamban) block gambling sites on phones and computers
  - Location monitoring software (geofencing) can provide the court with information regarding where the participant is spending time and whether they are visiting businesses with gambling accessibility
  - GTDCs can utilize available voluntary self-exclusion and/or allow 3rd party exclusion as a form of monitoring use

It is important to note that depending on the state and jurisdiction, access to some forms of gambling cannot be fully monitored due to widely available lottery and video gaming machines in non-gambling specific facilities, such as gas stations and grocery stores

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Financial Commitment & Restitution

How restitution amount is determined/assessed

Total amount due

Monthly amount due

Work with GTDC: % of expendable income that also allows for ability to have a healthy relationship with $

- % is based on income (below $25,000 = 20%, $25k-$75k = $30%, 75k+ = 40%)

Costs of additional treatment/needs

It's about more than $$

Civil judgement post graduation for balance due

Program sustainability

Program fees paid last

Lack of state/county/city funding

The cost-effectiveness model

- $50,000/year for 10 participants v. $400,000+ if incarcerated

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"Treatment"

Tailored to needs of individual participants

Assess suicidality & likelihood of gambling/comobidity relapses	• Treating everything - mind & body
Intensive IOP	• Some may need inpatient treatment (30-90 days)
Ongoing treatment throughout phases	• Updates with certified gambling treatment provider • Gambling recovery support groups (GA and others)
Budgeting	• Pay down debt • Establish budget with restitution • Healthy financial plan • Financial counseling (GamFin)

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Program Phases
Phases based on milestones

- 3 or 4 Phases
- Requirements, such as:
  - sustaining employment
  - staying "clean"
  - paying restitution
  - attending treatment/meetings
- As someone shows compliance, there should be an expected period of time and written detailed milestones they must meet in which they would phase up, resulting in less court supervision and other programmatic rewards
- GTDCs should consider how to provide aftercare and the ability for participants to stay connected to the program through voluntary peer mentoring and support

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Rewards/Sanctions

- Participants should know what to expect in terms of both rewards and sanctions for meeting or failing to meet these expectations
- Within many specialty/diversion courts, **rewards** often include gift cards - given that GD is closely tied to monetary incentives, there should be no monetary style reward
  - Rewards include the ability to telecourt more often, reduced frequency of court attendance, reduced monitoring, and non-monetary gifts such as journals, key chains, & books
  - Community celebrations & graduation for each participant
  - Upon graduation, any charges should be **expunged**
- **Sanctions** need to also be understood and expected for failure to meet GTDC requirements
  - Sanctions may include down-phasing, increased drug testing (where relevant), increased financial disclosures, additional treatment requirements, short jail stays, in-patient therapy, and ultimately failure of the program and transferring the case back for traditional criminal-legal processing

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GTDC Outcomes

- "[It's] a **second chance and freedom.** I mean, and my record, my record being cleared… a felony on my record for the rest of my life for however long it stays on there. I don't even know. I don't want that." (GTDC Participant)
- "I'm so grateful. I'm present in life. I no longer feel the need escape from anything. When I'm faced with anything, it's just like okay, you know, I have the fortitude and the capacity to not …escape from various things. …I'm just proud of myself that I can just face it. Deal with it know move on and I'm good." (GTDC Participant)
- "I am grateful for this program as much as I you know, complain and stuff. I don't know where I'd be without it. Yeah, **I'd still be gambling**, which would mean that **I'd probably be still committing crimes**, which means, you know, yeah, the domino effect of it all. So, I owe this program my life." (GTDC Participant)

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Best Practices

- Funding of GTDCs
- Screening
- Federal v State
- Inclusion of family members beyond the participant
- Restorative justice

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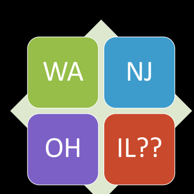
Where will the **next** court be?



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