

Op-Ed/Editorials - Breaking the cycle of criminal activity related to gambling addiction

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Crime and Addiction Series Part 3

Breaking the cycle of criminal activity related to gambling addiction

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Gaming revenue has become an important component of the budget of every jurisdiction where gaming is legal. Louisiana is no exception. Since the legalization of gaming in 1991, gaming revenue has become the fifth largest source of revenue for the state, accounting for approximately \$740 million available to the state in 2004, seven percent (7%) of the state's budget. According to the Casino Association of Louisiana, riverboat gaming pays more than all other corporations combined, paying approximately 21.5% in franchise fees and other taxes. The total economic impact of gaming in Louisiana is conservatively over \$2.5 billion. 1

However, along with the positive economic impact of gaming, there are the inevitable negative effects of problem and compulsive gambling resulting in loss of productivity, suicide, poor general health, bankruptcy, and crime. In an attempt to address the issue of criminal activity related to gambling addiction, Louisiana Attorney General Charles Foti, Jr. recently introduced the "Gambling Treatment Referral Program" pilot project at the 9th Annual Louisiana State Conference on Gambling Behavior sponsored by the Louisiana Association on Compulsive Gambling and the Office for Addictive Disorders. This unprecedented program is designed to help first or second offenders who have committed nonviolent crimes

that are directly related to compulsive gambling receive treatment rather than prison time.

Criminal activities such as theft, forgery, issuing worthless checks, credit card fraud, insurance fraud, and failure to pay child support are typical of felonies or misdemeanors related to gambling addiction. Almost without exception, gambling addicts are incarcerated or otherwise punished without being given either an option or an opportunity to solve their problems through treatment. Consequently, any increase in criminal activity resulting from problem gambling leads to additional concerns about recidivism, docket crowding, and overcrowding of jails.

In July of 2004, representatives from the Louisiana Office for Addictive Disorders, the Louisiana Association on Compulsive Gambling, and a local District Attorney's office met with Attorney General Foti and members of his staff to discuss various ways in which these agencies could work together to establish a diversionary program for individuals whose criminal activity is a direct result of gambling. Prior to the initiation of the Gambling Treatment Referral Program cooperative endeavor, all of these agencies were pursuing individual programs to assist those with gambling addictions or crimes related to gambling.

The Office for Addictive Disorders (OAD) under the Department of Health and Hospitals oversees the statewide gambling treatment outpatient services and the Louisiana Association on Compulsive Gambling, under contract with OAD, manages the two in-patient treatment facilities that are free to Louisiana citizens. The District Attorneys and the Department of Justice were each also pursuing programs to identify offenders whose criminal acts were related to gambling addiction and to address methods to get these offenders into treatment to break the cycle of crime. With no opposition at the July meeting, all agencies agreed to merge their efforts to implement a statewide diversion program offered to the District Attorneys on a voluntary basis.

The "Gambling Treatment Referral Program" pilot project originated from this meeting. Louisiana District Attorney Schuyler Marvin agreed to work with the team for the pilot project that is specifically aimed at sending eligible persons whose non-violent crimes are determined to be directly related to gambling addictions into treatment programs rather than incarceration. The primary goals of this pioneering program are restitution, decreased recidivism, relief of crowded

dockets, reduction in number of persons incarcerated, and cost efficiency. The cost efficiency of this program is readily apparent as treatment expense is generally only a fraction of the overall cost of incarceration, including pursuit, arrest, arraignment, detainment, and trial. 2

Another goal of the program is to reduce the effects of crime related to gambling addiction on the entire "victim" group. This "victim" group includes not only the direct victims of the crimes, but the families of the gambling addicts who often face overwhelming debt or bankruptcy. The group also includes employers and co-workers who often suffer because the problem gambler spends time on the job pursuing his gambling addiction or stealing from his employer.

The pilot project was implemented by the District Attorney's Office for the 26th Judicial District in Louisiana on November 1, 2004, and in January 2005, the program was offered statewide to all Louisiana District Attorneys on a voluntary basis. The treatment program is free to Louisiana citizens and is funded through the Office for Addictive Disorders, Compulsive and Problem Gambling Fund, which receives revenue from the gambling industry as required by law. Currently, the Compulsive and Problem Gaming Fund receives two million dollars annually from gaming industry revenue. 4

Initial screening for participation in the treatment program begins with the District Attorney and his staff. If the District Attorney determines the person's crime is directly related to gambling addiction, the District Attorney makes a referral to the Gambling Treatment Referral Program. A counselor from the Louisiana Association on Compulsive Gambling or the Office for Addictive Disorders reviews the case and evaluates the offender for participation in the program, combining professional diagnostic assessment techniques with other tools such as the South Oaks Gambling Screen, DSM IV guidelines, and Gamblers Anonymous Twenty Questions. The Office for Addictive Disorders is currently developing a standardized diagnostic tool for the licensed counselors to use in the program evaluation.

If it is determined the offender is eligible for the program, he must sign the District Attorney's Gambling Treatment Referral Program Agreement and make arrangements to sign the Louisiana Gambling Control Board's self-exclusion form. The program agreement also includes a payment schedule for restitution and a community service schedule. The offender is advised that if he does not

successfully complete the conditions enumerated in the diversion program, he will be returned to the judicial system for further proceedings.

Of the five gambling specific treatment facilities in the country, two are located in Louisiana: CORE in Shreveport and CORE South in New Orleans. During the treatment period, the participant may receive residential, intensive outpatient, halfway house treatment or a combination. The participant moves through the program according to the diagnosis and recommendation by the treatment counselor and based upon the level of his or her positive response.

Under the Louisiana statutes, there is no provision for a gambling court such as the models used for drug and alcohol courts. The Louisiana program diverts the offenders to the treatment program prior to any trial, and if the offender successfully completes the program requirements, prosecution is waived. However, there are cases in which a trial becomes a necessity. In the future, the program team hopes to expand the program to include a gambling court such as the one initiated by Judge Mark Farrell in New York. Until that time, the Office of the Attorney General is offering a probation and parole component to the program for those offenders who are already incarcerated and to those with felonies who will have a trial.

In cooperation with the Office for Addictive Disorders and the Louisiana District Attorneys Association, the Department of Justice is developing a component of the CRIMES database so that participating District Attorneys and treatment counselors can provide data to study the efficacy and outcome of the program.⁴ Professor Howard Shaffer has made several positive suggestions for the development of the database to assist the team with a meaningful and global product.

The Louisiana Department of Justice is pleased to be associated with and supported by the Louisiana District Attorneys who have joined the program, the Louisiana Association on Compulsive Gambling, and the Office for Addictive Disorders counselors in this revolutionary effort toward restoring persons with gambling addictions to productive and useful lives. This diversion program is mutually beneficial to both the industry and the regulators as it helps to reduce any negative impact of gaming on the state budget and on the gaming industry. If you have any questions regarding the Gambling Treatment Referral Program, please contact Assistant Attorney General Sue McNabb at 225-326-6500 or e-

mail mc nabbs@ag.state.la.us.

What do you think? You can address comments to Sue McNabb.

References

1. Louisiana Gaming Control Board, "Report to the Louisiana State Legislature", 2004-2005 and Louisiana Gaming Association.
2. According to the pilot program District Attorney's office, incarceration alone averages \$22,000 per year per person.
3. A bill is pending (HB268) to add another \$500,000 from racino revenue to the fund.
4. Criminal Records Information Management and Exchange System. CRIMES is a complete criminal case management system for prosecutors that encompasses adult and juvenile cases, traffic, worthless checks, pre-trial diversion and probation. It also generates all case documents and enables the office to produce dockets for all court events and share information electronically with other agencies. It is administered by the Louisiana District Attorneys' Association.