

Legal Ramifications for Problem Gamblers and Their Families

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Legal Solutions to Gambling Problems

- ▶ Goals:
 - ▶ Understand some of the legal issues gambling families encounter
 - ▶ Understand what legal entities are looking for from gamblers that will allow them discharge from the legal system
 - ▶ Legal options for gamblers in recovery



Legal

Problems?



Ask the Question:

Are there any current
and/or
pending legal charges?
30% will have committed illegal act

Most Common Criminal Issues

- ▶ Theft from the workplace
- ▶ Embezzlement
- ▶ Stealing
- ▶ Fraud
- ▶ Tax evasion
- ▶ Misappropriation of funds
- ▶ Forgery
- ▶ Writing bad checks
- ▶ Participating in an illegal gambling operation



Other Criminal Activity

- ▶ Fencing stolen goods
- ▶ Drug sales
- ▶ Burglary
- ▶ Prostitution
- ▶ Armed robbery
- ▶ Extortion



Talk to the courts/probation about gambling

- ▶ List the crimes gamblers commit
- ▶ Talk about when sending for SA evaluation we can do gambling evaluation also
- ▶ Talk about the percentage of SA clients with co-occurring gambling problems (30%)
- ▶ Talk about relapse potential of SA clients if gambling is co-occurring problem



Gambling and Legal Effects

1. Ramifications of Unpaid Debt
2. Criminal Activity
3. Unusual Criminal Activity (insurance fraud)
4. Other Legal Concerns

Gambling and Legal Effects



- Home Foreclosure
- Bankruptcy
- Eviction
- Repossession
- Lien
- Garnishment of wages
- Payday Loans
- Civil Lawsuits

Concerned/Pending/Active



- ▶ Gamblers come to counseling in advance of potential legal problems
- ▶ Gamblers come to counseling in the middle of an investigation or audit
- ▶ Gamblers come to treatment at the advice of a lawyer or court system

Determine Status



- Pending/or the possibility of charges being filed
- Currently on probation
- Sentenced
- Do I need an attorney?

Possibility or pending

- ▶ Stop the interview in this area move to another part of the assessment/intake . Come back to legal when you have enough information to :
 - ▶ A. diagnose
 - ▶ B. recommend some sort of counseling /GA or whatever the recommendation should be.
- ▶ If gambler is in fear of or pending legal issues get them a lawyer (recommend a criminal lawyer who can present gambling as mitigating circumstance)
- ▶ Suggest getting release for lawyer of their choice and call in the office... You need to excuse yourself as confidentiality isn't covered here

Possibility or pending

- ▶ Set up next appointment for after the client seeks legal counsel.
- ▶ If the lawyer cannot see in reasonable time set up appointments that do not discuss any legal entanglements
- ▶ Warn the client if they talk about potential legal issues you may be called to testify and you would not be able to hold the information as confidential if judge ordered

Possibility or pending

- ▶ Many potential legal issues can be circumvented prior to courts getting involved if client hasn't yet be caught/charged.
- ▶ Allow the lawyer to intervene if the problem is of the type jail is an option
- ▶ You (if you have release) can help the argument to the harmed company/individual as you develop a budget and show a repayment plan

Active legal issue

- ▶ If client is already at the court/pre-sentence stage you can still help
- ▶ You can contact lawyer or pre-sentence investigator and (if you have a release) and inform them the client is currently in counseling. Let them know details of the process:
 - ▶ A. attendance plan
 - ▶ B. monitoring for gambling activity plan
 - ▶ C. budgeting restitution plan
 - ▶ D. ongoing communication plan with the justice department

Initial Treatment Plan

- ▶ Uncover the extent of debt
- ▶ Seek legal counsel?
- ▶ Transfer assets and monetary control?
- ▶ Educate about legal options and issues that are in crisis
- ▶ Identify the amount of money the gambler will need in his/her wallet at any given time
- ▶ Consider self-exclusion

Court Procedures and the 5R's

- Remorse
- Repentance
- Restitution
- Rehabilitation
- Recovery



Legal affects on the family

- Altered Behavior
 - **Lying**
 - Dishonesty
 - Manipulation
- The gambler's change in behaviors affects the family and usually the gambler has no idea.

Legal affects on the family

- Loss of
 - **Trust**
 - Respect
 - Relationships
 - Employment
 - Financial Security
 - Reputation

Affects on the Family

- Stress
- Co-Occurring disorders
 - Anxiety
 - Depression
 - Substance Abuse
- Children more likely to develop a gambling problem

Legal affects on the family

- ❑ Domestic Violence
- ❑ Resentment
- ❑ Isolation
- ❑ Anger

Day 2 goals

- ▶ Understand the newest legal forms of gambling (sports)
- ▶ Understand who is playing these forms of gambling
- ▶ How have these gamblers fared in treatment in the past

United States could dominate global legalized sports betting market

- ▶ A fully developed legal sports betting market- where bets are placed at casinos, online and at retail bookmaking shops- would produce **\$12.4 Billion** in annual revenue (after payouts)
- ▶ Five times bigger than the United Kingdom's regulated current market
- ▶ Eleven times greater than Italy's gambling revenue

The Influence of Marketing on the sports betting and consumption behaviors of young men:...

Deans, Thomas, Derevensky Daube, 2017

- ▶ Marketing plays a strong role in normalization of gambling in sports and in encouraging gambling consumption intention and behaviors
- ▶ There is problematic as there is absence of overarching cultural and organizational structures to restrict sports gambling promotions

Internet Gambling

NCRG Christine Reilly, Nathan Smith White paper

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- ▶ The fastest growing form in the world is online gambling



Is Sports Gambling Moral?

Lifeway Research January 2016

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- ▶ You bet Americans say
- ▶ 64% believe it is morally ok to bet on sports
- ▶ 49% think sports betting should not be legal while 40% think it should
- ▶ 47% believe Fantasy sports should be legal while 46% believe it should not
- ▶ Opposition to sports gambling is highest 58% among religious groups

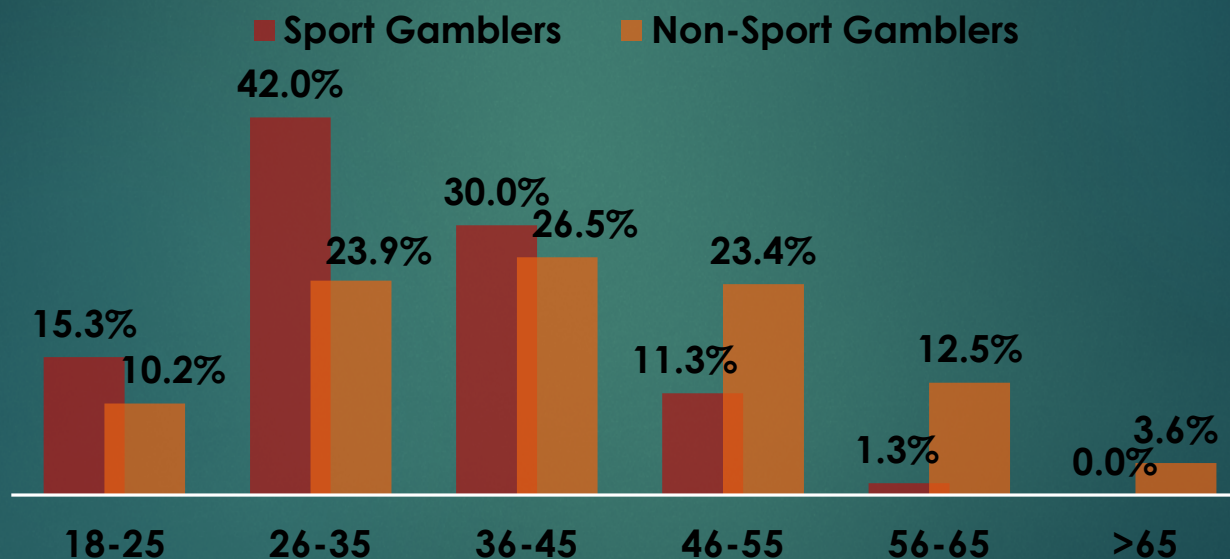
In 1985 Dr. Custer wrote about sports gamblers. What did he say about sport gamblers age?

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- ▶ He is a man in his **late thirties** or **early forties**

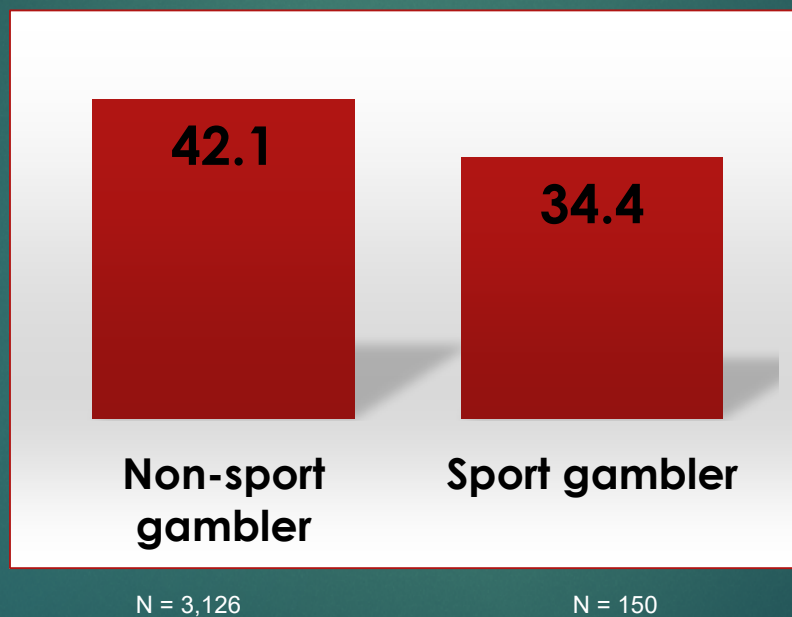


Admission by age group (sport gamblers vs. nonsport gamblers)



Sport gamblers, $n = 150$; Non-sport gamblers, $n = 3,126$

Admission by age group (sport gamblers vs. non-sport gamblers)

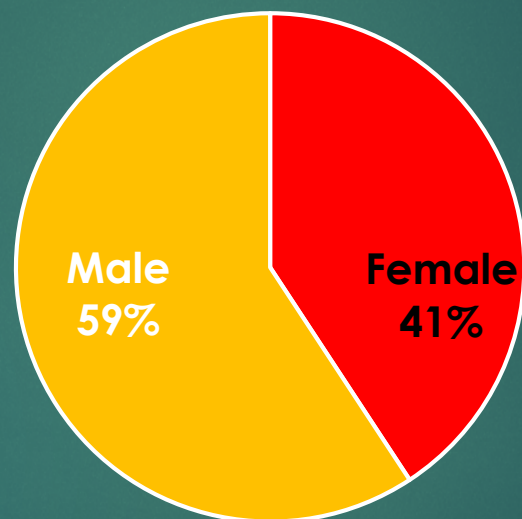


Dr. Custer thought...

30

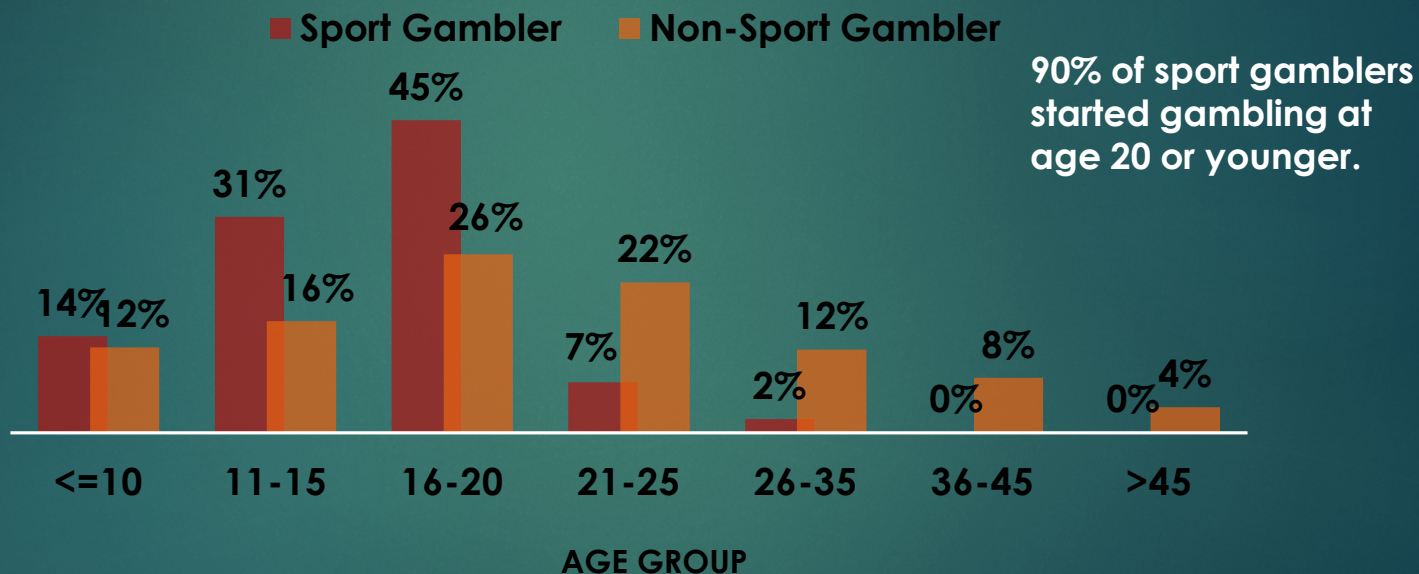
- ▶ “We think that 10 to one ratio (of men to women) is about right; that is, **for every female gambler there are about 10 male gamblers (in general)**”
- ▶ So was he right?

Was Dr. Custer right? NO!
Gender (non-sport gamblers)



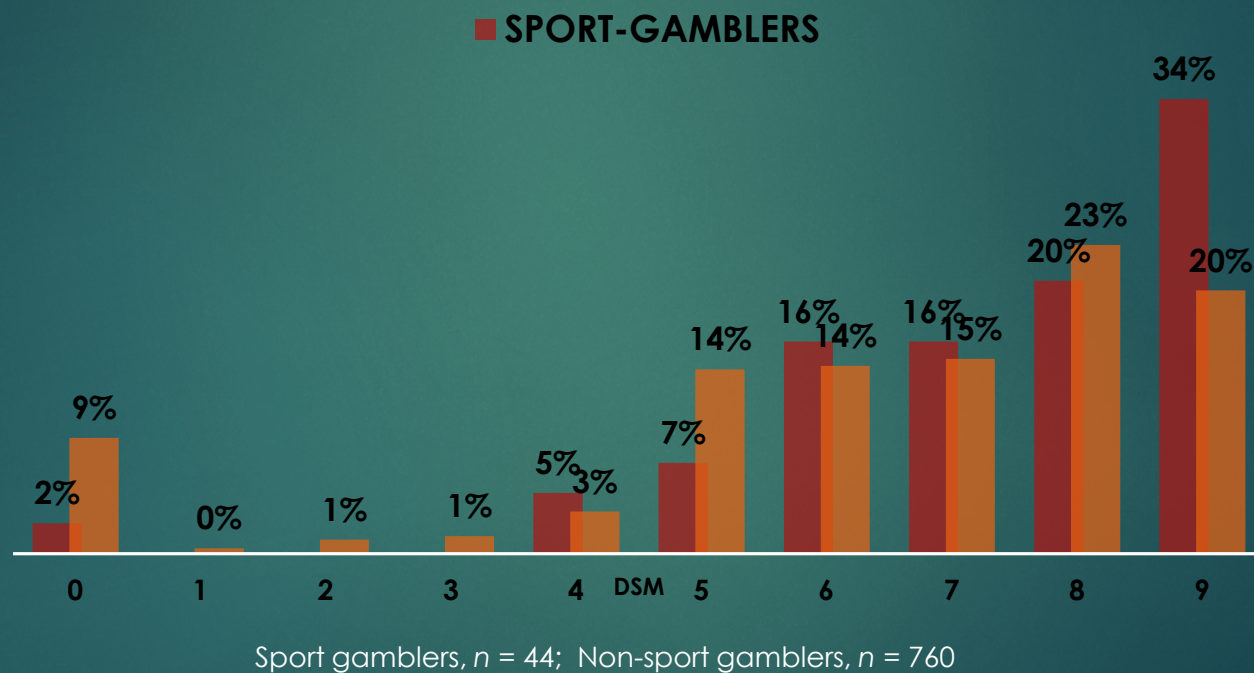
N = 3,141

First Gambled by Age Group (sport gamblers vs. non-sport gamblers)

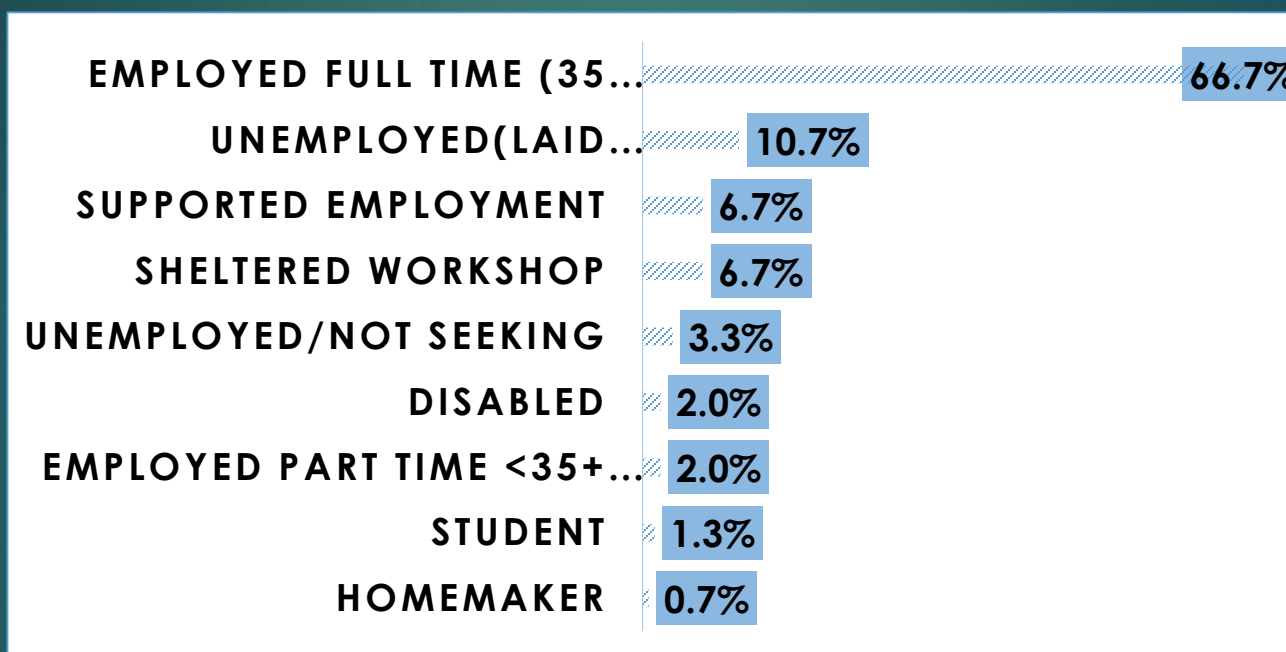


Sport gamblers, $n = 150$; Non-sport gamblers, $n = 3,137$

DSM –Diagnostic criteria Combination of DSM IV thru V

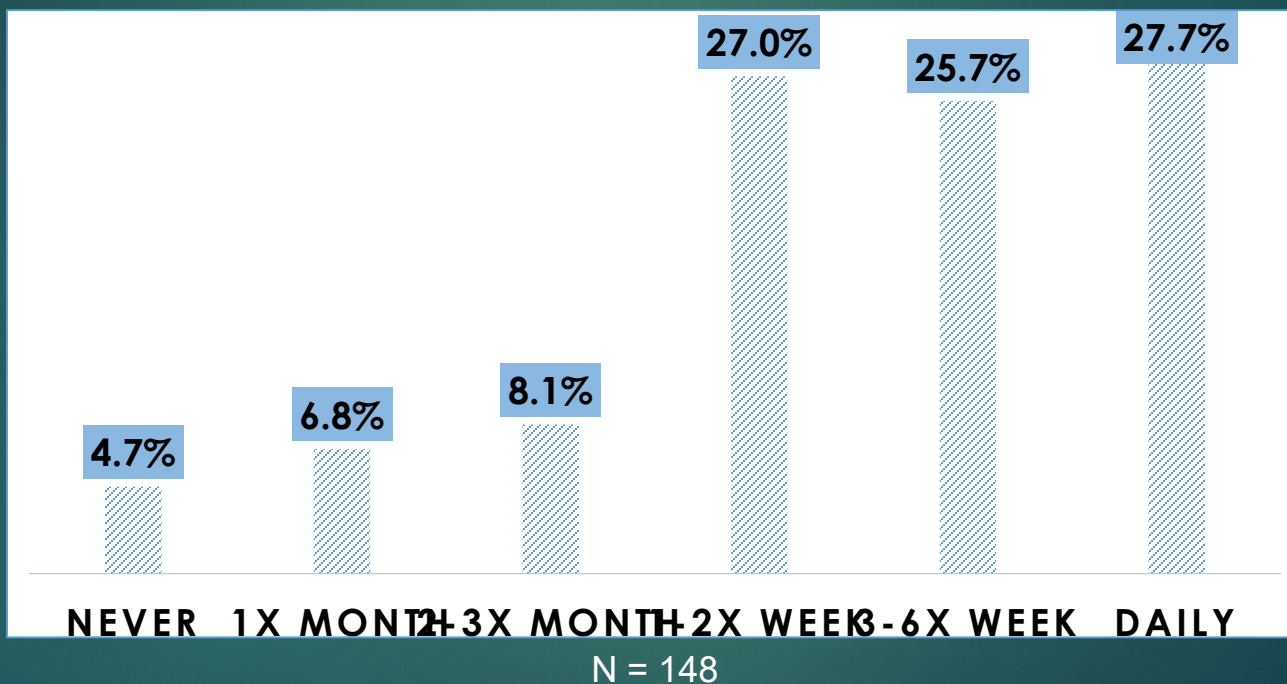


Employment (sport gamblers)

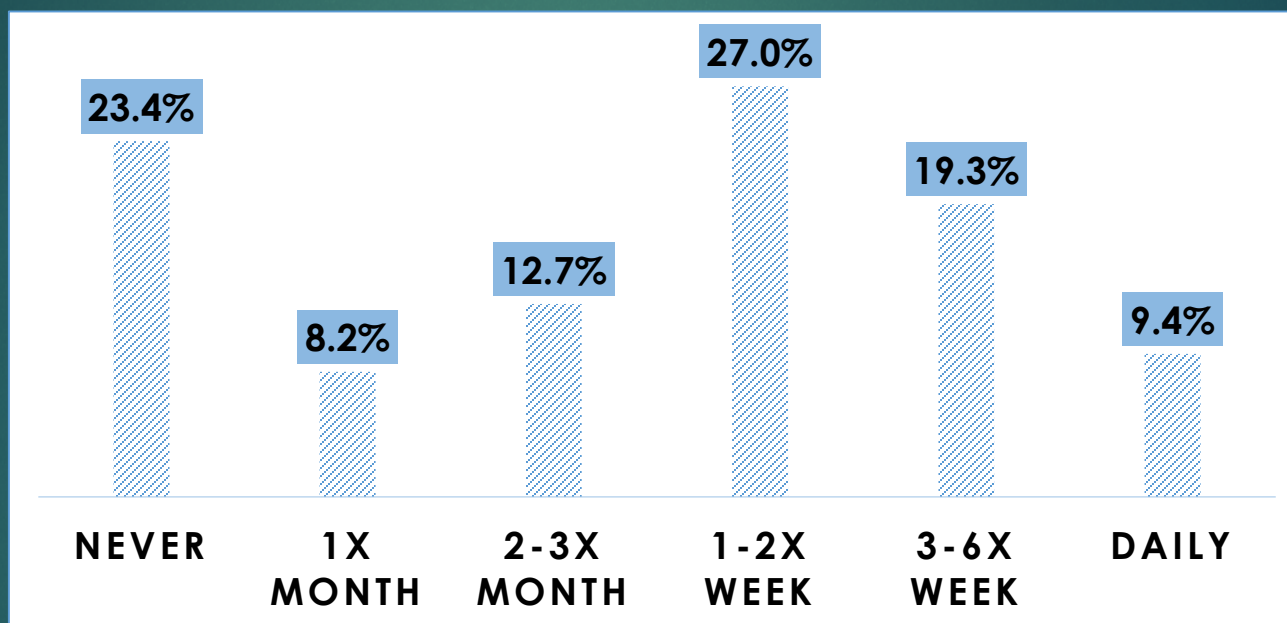


N = 150

Frequency of wagering sport gamblers (last 30 days) - This is important!



Frequency of wagering non-sport gamblers (last 30 days)



N = 3,096

Average gambling debt at
intake sport gamblers

\$19,568

N = 150



Average gambling debt at
intake non-sport gamblers

\$24,008

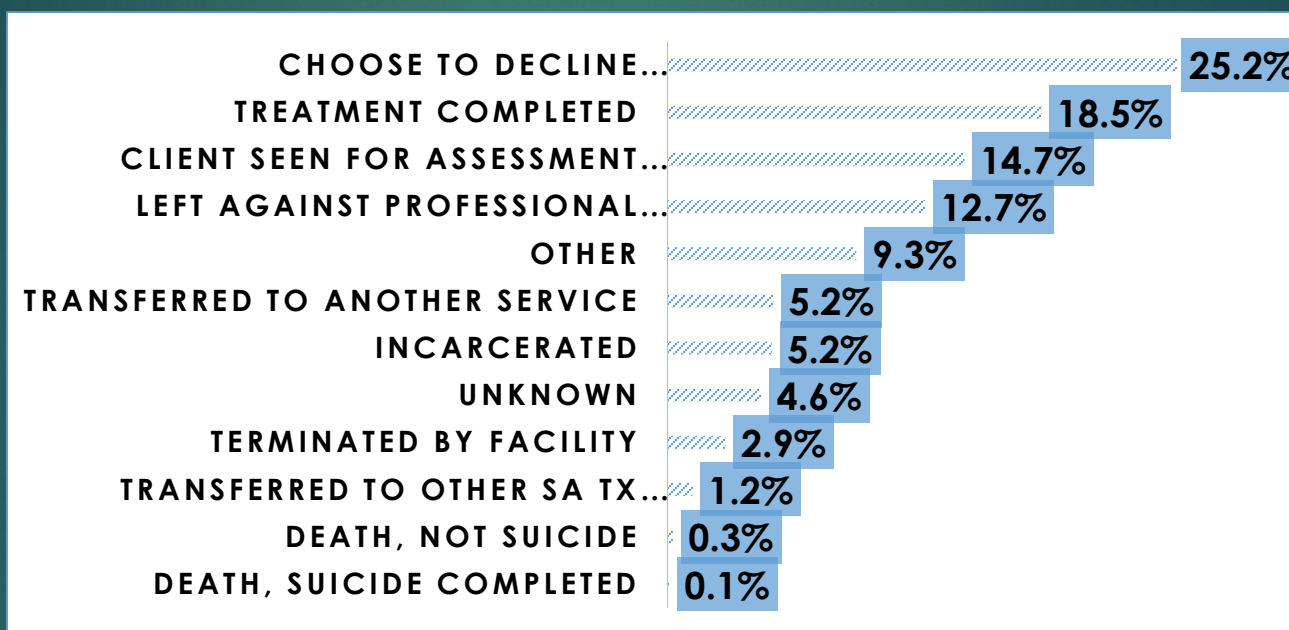
N = 3,133



How do sport gamblers fare in treatment?

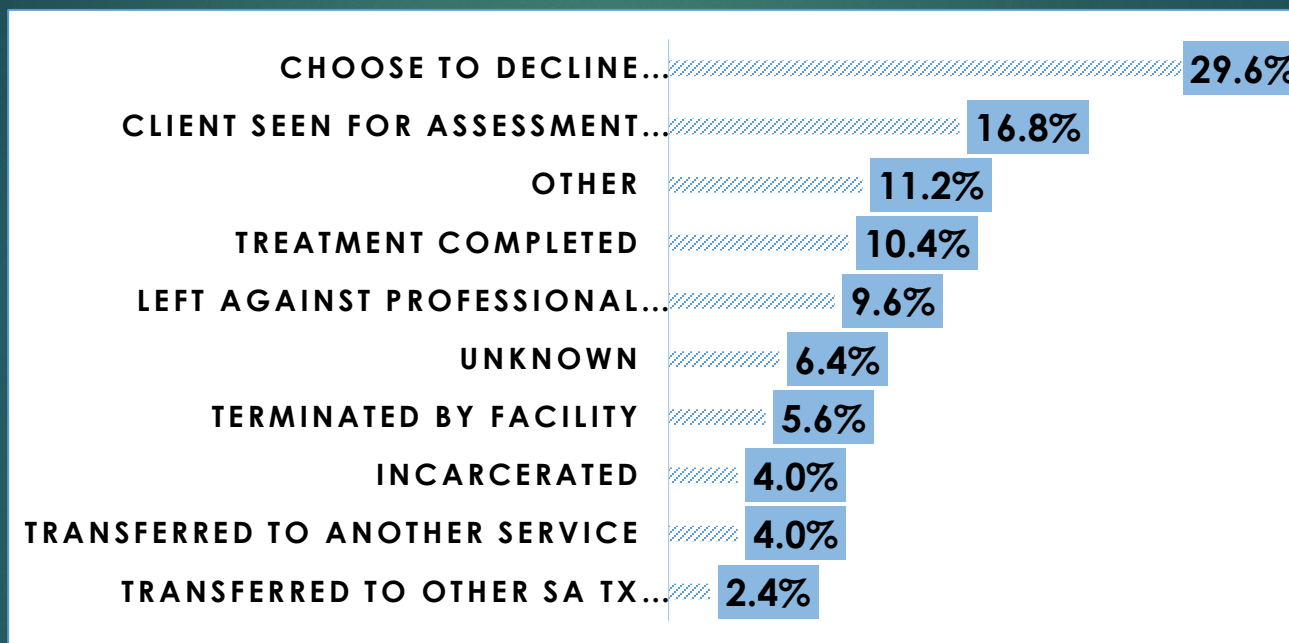


Discharge status (non-sport gamblers)



N = 2,653

Discharge status (sport gamblers) Counselor report:



N = 125

2016/2017 fantasy sports research with college students on campuses in Nebraska

- ▶ Research hypothesis: a substantial number of college students engage in fantasy sports and a smaller but still significant percentage of college students engage in daily fantasy sports. This population may show a greater risk for problem gambling. This research project will help assess the percentage of those engaging in daily fantasy sports and the extent of a self-reported gambling problem by asking questions from the DSM 5 symptom list for Disordered Gambling (312.31)
- ▶ Jeremy Eberle, LIMHP, CDGC, CADAC
- ▶ Jerry Bauerkemper BS, CDGC



What type of gambling do college age student do?

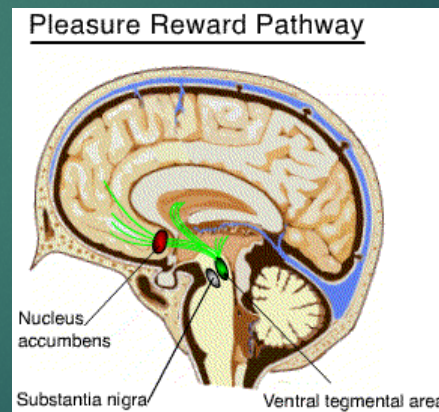
- ▶ The primary form of gambling for this population, according to the survey, **was casino gambling**. This, despite no legal casinos within the Nebraska border. The **second most popular form of gambling** for this population was **lottery**, in either powerball/mega or scratch-off type games. **Sports betting was third** (again, not legal in Nebraska), and Keno was forth.

Facts from the 2016 college study of fantasy sports

- ▶ There were 512 valid surveys
- ▶ 151, or 29.4% of the respondents, admitted to having previously played fantasy sports of any kind for money or not.
- ▶ Overall, **27.5% of respondents admitted to playing daily fantasy sports for money or possessions in their lifetime**, with 18.8% having wagered on DFS within the last 12 months. Of those who admitted playing DFS, **38% admitted playing 1-3 times per week**, while 17% admitted to playing DFS just a few days per year.
- ▶

Are college age gamblers addicted?

- ▶ Participants who play daily fantasy sports and have at least one symptom of DSM 5:
- ▶ 38.5%



Males in fantasy sports gambling

- ▶ Males: 131 total gamblers or 45% of all males surveyed
Initially 27% of those males played DFS in their lifetime, 33% after being asked again
- ▶ **30% of all male gamblers admitted one or more symptom of Disordered Gambling**
- ▶ **33 % of those who both gamble and play DFS reported one or more DSM symptoms**

Females in fantasy sports

Females: 86 total gamblers or 23.5% of all females surveyed

Initially 7% of those females initially admitted to playing DFS, **8% after being asked again**

1% played DFS in the last 30 days

10% of all female DFS gamblers admitted to one or more symptom of Disordered Gambling

7% of those who gamble and play DFS reported to one or more DSM symptoms

So what's next ?

- ▶ You tell me!
- ▶ What is the next gambling trend?
- ▶ Will sports betting be Next BIG thing?
- ▶ What is gaming? Is it a sport?
- ▶ How will we identify these gamblers

A FINAL QOUTE

"Some cause happiness
wherever they go; others,
whenever they go."

► *Oscar Wilde (1854-1900)*

For more information

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