



Critical Skills Every Clinician Should Know: Gambling-Motivated Crimes

© Michelle L. Malkin & Jody Bechtold, 2023

1



Talk Roadmap

1. Michelle's Story of Hope
 2. Gambling-motivated crime background and research
 3. Issues within the carceral system for those accused of gambling-motivated crimes
- BREAK
4. Media depictions of gambling-motivated crimes
 5. Gambling and the legal system: clinical considerations
 6. A bit about the potential for diversion...
 7. Additional practical considerations for clinicians
 8. Q & A (please write down and hold questions until the end)

© Michelle L. Malkin, 2023

2



My Story of Hope

© Michelle L. Malkin, 2023

3

Research Focus

Applying Criminological Theories to Understanding the Consequences of Gambling Disorder

Gender & Gambling Disorder

LGBTQ+ & Gambling Behavior/Risk

Gambling-Motivated Crime

© Michelle L. Malkin, 2023

4

So, what do I mean by “Gambling-Motivated Crime”?

- Primarily **non-violent, financial crimes** that are committed in order to pay off gambling debts and/or continue gambling
- While there may be some problem gamblers who commit other types of crimes, the prevailing type of offense by problem gamblers are **acquisitive (or monetary)** in nature (Adolphe et al., 2018)
- The most common types of gambling-motivated crimes are embezzlement, larceny, theft, robbery, and counterfeit currency
- Most often committed against **family, friends, or employers**
 - Are seen as crimes of **trust**
- Gambling is the second most frequent motivation for serious fraud prosecutions

© Michelle L. Malkin, 2023

5

This has been supported by a recent Meta-Analysis of all studies of gambling-motivated crime

“...gambling related crime is likely often a product of gambling itself, intended to accumulate further funds to gamble, recoup financial shortfalls, or conceal the individual’s gambling from others”
(Adolphe et al., 2018, p.410)

Crime and Gambling Disorders: A Systematic Review

A. Adolphe¹ · L. Khatib² · C. van Golde¹ · S. M. Gainsbury³ · A. Blaszczyński³

Published online: 23 July 2018
© Springer Science+Business Media, LLC, part of Springer Nature 2018

“the gambling-crime relationship cannot be explained by financial motivations alone” (Adolphe et al., 2018, p.410)

© Michelle L. Malkin, 2023

6

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



Problem gamblers often believe they will pay back the (stolen) funds after a “big win”

© Michelle L. Malkin, 2023

7

Prevalence of these crimes

- Among gamblers seeking help for their addiction, studies consistently reveal that **approximately half of gamblers seeking help** self-report commission of a crime to keep gambling and/or pay off gambling debts (Binde, 2016; Blaszczyński, McConaghy, & Frankova, 1989; Zorland et al., 2008)
- The **more severe the gambling addiction**, the more likely the individual will commit a gambling-motivated crime (Zorland et al., 2008)
- As many as **two-thirds of the most severe compulsive gamblers** commit crimes (Blaszczyński, McConaghy, & Frankova, 1989; Lesieur, 1998; Zorland et al., 2008)

© Michelle L. Malkin, 2023

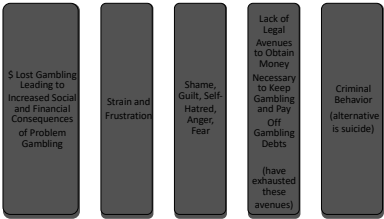
8

- Majority of people committing gambling-motivated crimes face **no criminal sanctions**
- Significant changes regarding gambling motivated crime in the **DSM 5**
- Removal of “commission of illegal activity in order to gamble or pay gambling debts” as diagnostic because it is a **natural progression of the disorder**

© Michelle L. Malkin, 2023

9

My Research



Based on General Strain Theory (Agnew, 1992)

© Michelle L. Malkin, 2023

10

Research Study on the Social, Economic and Criminal Consequences

- Surveys
 - Gambling behaviors and history
 - Consequences of gambling behaviors
 - Criminal history & behaviors
 - Demographics
- Gambler’s Anonymous Members (N=195)

Gender	
87 Males	0.44
108 Females	0.55
Time in GA	
5-10 Years	No Difference in Gender

© Michelle L. Malkin, 2023

11

Social & Economic Consequences of Gambling Disorder

Social & Economic Consequences	%	Male %	Female %	Chi-Sq. (gender)
Lose Relatives	46.67%	50.57	43.52	0.964
Lose Education Opportunity	19.49%	26.44	13.89	4.836*
Lose Job	32.82%	35.63	30.56	0.563
Borrow Money to Gamble or Pay Gambling Debts	80.00%	80.46	79.63	0.021
Take out Pay Day Loan	37.44%	35.63	38.89	0.218
Advance on Retirement	48.72%	49.43	48.15	0.032
Advance from Employer	25.64%	25.29	25.93	0.01
Credit Card Advance	77.95%	70.11	84.26	5.608*
Lose House	21.54%	24.14	19.44	0.628
Vehicle Repossessed	10.77%	6.9	13.89	2.452
File for Bankruptcy	28.72%	26.44	30.56	0.399
Spend One or More Nights Homeless	8.21%	12.64	4.63	4.109*
Have a Civil Liability	6.67%	5.75	7.41	0.214

© Michelle L. Malkin, 2023

12

Criminal Consequences of Gambling (N=195)

Criminal Consequences	%	Male %	Female %	Chi-Sq. (gender)
Commit Crime	56.92%	55.17	58.33	0.196
Current Charges	5.82%	3.61	7.55	3.803
Arrested	15.14%	17.28	13.46	0.518
Guilty of Misdemeanor	6.95%	8.54	5.71	0.567
Guilty of Felony	9.19%	8.64	9.62	0.052
Incarcerated	11.79%	10.34	12.96	0.318

- Financial Crimes Considered:
1. Stealing
 2. Forgery
 3. Embezzlement
 4. Taking out a credit card in another's name without permission (fraud)
 5. Using someone else's credit card without permission (fraud)
 6. Writing a check from someone else's account without permission (fraud)

There were no statistically significant differences by gender in the commission of crime or criminal consequences.

13



Respondents who committed crimes averaged a significantly higher number ($t=-5.99, p<.05$) of social and economic consequences ($\mu=5.23$) of their problem gambling than those that reported not committed a crime ($\mu=3.25$)

Borrowing money to gamble was the largest predictor for commission of crime by a problem gambler - **borrowing money increases the likelihood of committing a crime by 21.6%**

14



Crimes are Most Likely to Result in Conviction?

Embezzlement was the biggest factor for arrest & convictions (over 5x more likely)

types of gambling-motivated crimes are much less likely to result in conviction; however, that does not mean a client will not be accused, arrested or convicted for such crimes.)

15

A Few of the Issues in the U.S. Criminal Justice System

Understanding Gambling Disorder

Do not assess for gambling problems

Not treated like other addictions/lack of treatment

Lack of treatment diversion courts & programs

Lower chances of employment/paying restitution

Gambling within jails/prisons

Develop into problem gamblers in prison

© Michelle L. Malkin, 2023

16

Some Relevant Initial Solutions:

- Include a **problem gambling assessment** of all those accused of crimes
- Ask for expert **testimony &/or assessments** from certified problem gambling counselors
- Develop **treatment programs**/offer GA meetings
- Include **books/resources** on problem gambling in jail/prison libraries
- Develop **gambling treatment diversion courts/programs**



© Michelle L. Malkin, 2023

17

Two Potentially Relevant Screening Tools

“Brief Biosocial Gambling Screen”

Brief Biosocial Gambling Screen	
A “yes” answer to any of the questions means the person is at risk for developing a gambling problem.	
1. During the past 12 months, have you become restless, irritable or anxious when trying to stop/cut down on gambling?	YES NO <input type="checkbox"/> <input type="checkbox"/>
2. During the past 12 months, have you tried to keep your family or friends from knowing how much you gambled?	YES NO <input type="checkbox"/> <input type="checkbox"/>
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 <input type="checkbox"/> <input type="checkbox"/>

ICRG www.icrg.org
www.divisiononaddiction.org

“Lie/Bet Questionnaire:”

1. Have you ever had to lie to people important to you about how much you gambled?
2. Have you ever felt the need to bet more and more money?

“Yes” response to one or both items: further assessment is needed.

Johnson, E.E., Hammer, R., Nora, R.M., Tan, B., Eistenstein, N., & Englehart, C. (1988).

© Michelle L. Malkin, 2023

18

15 Minute Break



© Michelle L. Malkin, 2023

19

Media Depictions of GMC

Caviar and Chanel: The Luxe Vegas Life of an Accused Scammer

DOUBLE DOWN
Sara Jacqueline King was a high-roller living in a sumptuous suite at the Wynn. Friends and court papers allege she was gambling away other people's money.



The New York Times

Andrew Caspersen, Charged in \$40 Million Fraud, Had Gambling Addiction, Lawyer Says



20

EXPOSED | Bank fraudster who fleeced his customers out of £355k to feed gambling addiction

But after a hearing at Antrim Crown Court this week, it emerged for the first time he was hopelessly addicted to gambling and had effectively been "robbing Peter to pay Paul".



Fraudster stole £388,000 of friends' life savings to fund gambling addiction

Jay Delaney cried in the dock as she was handed a five year prison sentence after stealing £388,000 from 38 people.

NEWS by Ellis Whitehouse & Hannah Mackenzie Wood
04.10.2019 07:14, 28 APR 2022

Bookmark | Facebook | Twitter | LinkedIn | Comments



21

Conman posed as Dyson engineer to con thousands out of elderly women

James Lawson, 30, left his victims' homes in an "appalling" state

By Wesley Holmes

14th JAN 2020 | UPDATED 20:12, 17 JAN 2020



James Lawson, 30, posed on vulnerable people to fund his gambling addiction

Gambling addict fleeced thousands from elderly care home resident

She has been spared immediate prison

By Martin Naylor

Courts and legal affairs correspondent

6:43, 17 OCT 2020

CRIME NEWS METRO/STATE

High-rolling sports gambler from north suburbs charged in \$9.6M wire fraud scheme

A 2017 USA Today profile of Robert Gorodetsky asked, "is this the future face of sports gambling?"

By Jan Sedel | Jan 22, 2020, 2:54pm EDT

Pennsylvania Real-Time News

Gambling addicted lawyer who ripped off 96-year-old woman to feed habit gets no mercy from U.S. court

Updated: Apr. 30, 2020, 2:39 pm | Published: Apr. 30, 2020, 11:17 a.m.

22

Govt accountant €Utah Gambling Addict Sentenced to million baht to fee Seven Years Following Credit Union addiction Heists

Petch Petpaillin

Wednesday, February 15, 2023

Rugby official's £180k fraud fed £378k gambling addiction

14th November 2022



Zantac 360

WORKS IN UNDER 15 MINUTES

LASTS UP TO 12 HOURS

AVAILABLE

NEWS By David Huntley

Court Reporter

15:25, 19/07/2022

Bookmark



Comments 12

Gambling addict blew £164,000 EuroMillions win before scamming thousands from Sunderland victims

Reece Casey, 31, scammed £34,000 from 25 victims - some of which were long-standing family friends

23

Silvia Pavlov

FEBRUARY 16, 2023

3 MIN READ

Church Employee Embezzles About \$600K to Fuel Gambling Addiction

A former business manager of a Catholic church in Indianapolis has been sentenced to two years in federal prison for committing wire fraud



Calif. Nun, 80, Sentenced for Stealing More than \$800K from Catholic School to Fund Gambling Addiction

Sister Mary Margaret Kreuper pleaded guilty for using funds to pay for gambling trips to Las Vegas, Lake Tahoe and

Gambling Addiction No Excuse for 'Greedy' Church Official Who Stole £5.2M

Posted on: December 20, 2022, 02:38h. Last updated on: December 20, 2022, 02:57h.

Image Source: Shutterstock.com





Advertisement

MATCH DEAL

ANY 2 OR MORE

99

Any

ORDER NOW

Advertisement

24

Mother Sells Baby to Pay Online Gambling Debt

PHYLLIS M DAUGHERTY / 09 MAY 2022

25

Gambling and the Legal System: Clinical Considerations

Jody Bechtold, LCSW, ICGC-II, BACC, CGT

© Jody Bechtold, 2023

26

JODY BECHTOLD

- Clinical Social Worker
 - ICGC-II, IGDC, BACC, CGT
 - CEO, The Better Institute
 - Board of Directors,
- International Gambling Counselor
Certification Board*
- Advisory Board Member,
Gamban
 - Member,
- National Council on Problem Gambling*



© Jody Bechtold, 2023

27

*Act as if you are in front of the
judge*

© Jody Bechtold, 2023

28

Legal Involvement:

Before, During, or After

© Jody Bechtold, 2023

29

Two Different Roles

1. **Treating Clinician** asked to provide written and/or expert testimony
2. **Forensic Expert** hired to conduct a thorough evaluation and written report to the attorney (Public Defender)

© Jody Bechtold, 2023

30

Expert Testimony on behalf of your client

- Counselor as a Witness of Fact
 - Summary of the biopsychosocial-spiritual assessment
 - Concise report of only “relevant” information
 - Include all relevant test results
 - Gambling, Substance Use, and other Mental Health Disorders
 - Mitigating conditions
- Gambling-Motivated Crime – how does this fit?

© Jody Bechtold, 2023

31

Expert Testimony on behalf of your client

- Key to Care
- Assessment – does client have a gambling disorder?
 - Assessment by trained and certified clinicians
 - Use of valid and reliable instruments
 - Meet DSM-5 criteria
 - Gambling-Motivated Crime profile
- Are there any co-occurring disorders?

© Jody Bechtold, 2023

32

Expert Testimony on behalf of your client

- Alternative Sentencing Strategies
 - IF appropriate and therapeutic
 - Very specific, when possible
 - Treatment (Level of Care, Intensity, Network of services)
 - 12-Step Programs (How many meetings, sponsorship, etc.)
 - Specific budget and restitution plan

© Jody Bechtold, 2023

33

Expert Testimony on behalf of your client

- Probation/Parole Reporting
 - Simple and factual
 - Gambling as a probation violation
 - How many relapses are too many?
 - Increasing treatment intensity vs. incarceration?
 - Countertransference with probation reporting

© Jody Bechtold, 2023

34

Before (you know there are legal issues)

- Informed Consents
- Thorough evaluation
- Standardized assessments & questionnaires
- Limits to confidentiality

© Jody Bechtold, 2023

35

- Best Practices *always*
- You never know if your client will become part of the legal system
- ...and when they become part of the system?

© Jody Bechtold, 2023

36

Basic Mental Health Evaluations

Can't go back in time....so be prepared

- PHQ-9
- Becks Depression Inventory
- GAD-7
- Other standardized assessments

© Jody Bechtold, 2023

37

Gambling Specific Screens and Evaluations

- DSM-5 criteria
- Problem Gambling Severity Index (PGSI)
- Gambling Functional Assessment (GFA II)
- Pathways Model and the Gambling Pathways Questionnaire (GPQ)
- Biopsychosocial Evaluation
- Co-occurring implications

© Jody Bechtold, 2023

38

Legal Report Writing for your client

© Jody Bechtold, 2023

39

Legal Report – client/attorney

- Do the courts see you as an Expert?
 - Confirm with client's attorney about format and content
- Written report only or do you also have to testify
- Is this a Gambling-Motivated Crime?

© Jody Bechtold, 2023

40

Consider Additional Sections to Include

- Treatment Attendance
- Medication Management
- Financial Budget
- Financial Restitution Plan
- Financial Protection Plan

© Jody Bechtold, 2023

41

Additional Sections to Include

- Self-Exclusion
- Gamblers Anonymous Attendance
- Family Involvement
- Employment
- Psychological Testing
- Recommendations for Sentencing

© Jody Bechtold, 2023

42

Sentencing Recommendations

- Alternative sentencing and why?
 - Federal/State Work Release program (residential and step down)
 - Intensive Monitoring
 - Treatment before Employment
- Incarceration treatment sentencing
 - Gambling Court (diversion court)
 - Dual Diagnosis Treatment Program
- No Gambling specific incarceration programs

© Jody Bechtold, 2023

43

The 5 R's

- Remorse
- Repentance
- Restitution
- Rehabilitation
- Recovery

© Jody Bechtold, 2023

44

*What makes you say that?
Or
As evidenced by...*

© Jody Bechtold, 2023

45

What makes you say that? (wrong)

- **Lies to conceal the extent of involvement with gambling**
- “client left the house every day for 9 months pretending to go to a job he was fired from”

© Jody Bechtold, 2023

46

What makes you say that? (right)

- **Lies to conceal the extent of involvement with gambling**
- “client left the house every day for 9 months pretending to go to a job he was fired from **as evidenced by verbal confirmation from wife/spouse**”

© Jody Bechtold, 2023

47

What makes you say that? (wrong)

- **Self-Exclusion**
- “client reports signing up for self-exclusion program in his state of residence”

© Jody Bechtold, 2023

48

What makes you say that? (right)

- **Self-Exclusion**
- “client reports self-excluding for LIFETIME in PA (5/24/00), WV (5/31/00), and OH (6/3/00). Verified by official paperwork reviewed during session with therapist”

© Jody Bechtold, 2023

49

What makes you say that? (wrong)

- **Recovery**
- “client reports believing in the GA program and fellowship”

© Jody Bechtold, 2023

50

What makes you say that? (right)

- **Recovery**
- “client has maintained regular GA meeting attendance as evidenced by signed slips; and reports 120 days clean at the time of this report. Client also continues to attend therapy on a weekly basis. ”

© Jody Bechtold, 2023

51

*Act as if you are in front
of the judge*

© Jody Bechtold, 2023

52

Forensic Expert and Writing Court Reports

© Jody Bechtold, 2023

53

Components of Writing Court Reports

- Qualifications of the Evaluator/Clinician
- Reason for the evaluation/report
- Gambling Disorder & Gambling-Motivated Crime
- Treatment over Incarceration as a Recommendation
- Gambling Symptoms and Severity Measures
 - PGSI
 - Gambling Disorder criteria of DSM-5
 - GFAII
 - GPQ of Pathways Model

© Jody Bechtold, 2023

54

Components of Writing Court Reports

- Biopsychosocial Formulations
- Psychiatric Co-Occurrences
- Women with Gambling Disorder
- Suicidality
- Adverse effects of atypical antipsychotic medications
- Rewards Programs and Statements (Win-Loss reports)
- Self-Exclusion Programs
- 5 Rs
- Recommendations for Treatment
- Anything else client specific

© Jody Bechtold, 2023

55

The Need for Diversion

© Jody Bechtold, 2023

56



Criteria for eligibility for gambling treatment diversion programs/courts?

Developing the Gambling-Motivated Crime Checklist



© Michelle L. Malkin, 2023

57

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.)

© Michelle L. Malkin, 2023

58

The Gambling-Motivated Crime Checklist*

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

- 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.)

© Michelle L. Malkin, 2023

59

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

© Michelle L. Malkin, 2023

60

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
- Scores on the Gambling Pathways Questionnaire (GPQ) as Pathway 3 – Anti-Social, Impulsive Risk-Taking
- Crime committed is not acquisitional (financial) in nature
- Uses the stolen funds primarily to purchase expensive items (jewelry, cars, new house, etc.)

© Michelle L. Malkin, 2023

61

Initial advice
for clients
facing legal
consequences
of problem
gambling:

1. Are you facing civil and/or criminal charges?
-clients may only be honest if you have gained their trust first; it is okay to ask more than once over time...
2. Get an attorney (even a public defender)
3. Don't answer any questions by former employer, family members, police, etc. without an attorney
4. Do not put anything in writing about what you've done without the advice of counsel
5. Do not talk about your offenses anywhere but in counseling (where there is confidentiality) and with an attorney (not in GA meetings)
6. **Do the next right thing** – go to GA meetings, addiction focused counseling, get a new job, etc.
7. **YOU DESERVE THE BENEFITS OF THE PROTECTIONS OFFERED BY THE U.S. LEGAL SYSTEM** (regardless of the shame/guilt you feel)

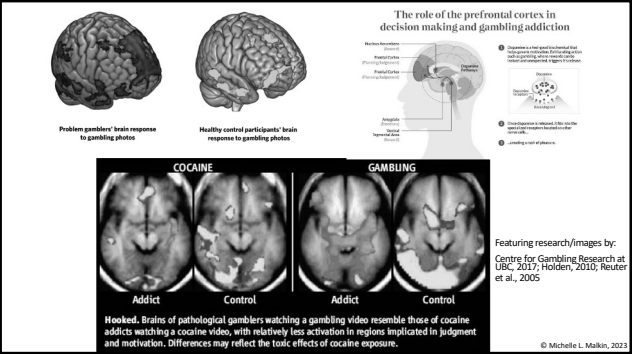
© Michelle L. Malkin, 2023

62

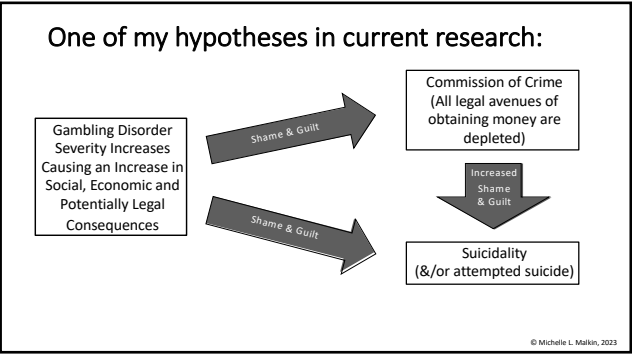
Often clients want
to know WHY they
committed a crime
as it was not in
their “nature”

Consider explaining how
problem gambling addiction
affects the brain

63



64



65

~20 percent of gambling addicts attempt suicide, the highest percentage of all addictions

Always assess for suicidality, as it is likely that those that commit a gambling-motivated crime are also more likely to be considering suicide...

© Michelle L. Malkin, 2023

66

Some Potential Resources for People Seeking Help (especially since COVID)

www.ncpgambling.org/programs-resources/resources/
-international, state & local resources, special populations, etc.

Inpatient and outpatient therapy

Gambler’s Anonymous

Zoom meetings

Social media support pages, such as:

- Facebook: Gambling Addiction and Recovery
- Facebook: Problem Gambling Hope & Recovery
- Facebook: Women Gamblers in Recovery
- National Helpline (call/text/chat): 1-800-GAMBLER



Zoom Meetings	Time	Room number
Monday Morning Reflections	9:00 AM EST	481 495 445
Monday Morning Topic	10:00 AM EST	567 129 271
Monday Afternoon Speaker	2:00 PM EST	567 129 271
Monday Late Fall Forum	10:00 PM EST	481 495 445
Tuesday Morning Reflections	9:00 AM EST	481 495 445
Tuesday Morning Kick in Bucket	10:00 AM EST	567 129 271
Tuesday Afternoon Fall Forum	2:00 PM EST	567 129 271
Tuesday Evening Fall Forum	8:30 PM EST	Messenger invite
Wednesday Morning Reflections	9:00 AM EST	481 495 445
Wednesday Morning Topic	10:00 AM EST	567 129 271
Wednesday Afternoon Ice Breaker	2:00 PM EST	567 129 271
Wednesday Evening Steps 1,2,3	8:00 PM EST	481 495 445
Thursday Morning Reflections	9:00 AM EST	481 495 445
Thursday Morning 20 Questions	10:00 AM EST	567 129 271
Thursday Afternoon Step	2:00 PM EST	567 129 271
Thursday Evening Ladies Preferred	8:00 PM EST	675 861 352
Friday Morning Reflections	9:00 AM EST	481 495 445
Friday Morning Ice Breaker	10:00 AM EST	567 129 271
Friday Afternoon Fall Forum	2:00 PM EST	567 129 271
Friday Evening Motivations	8:00 PM EST	567 129 271
Friday Evening "Chicago Style"	8:00 PM EST	481 495 445
Saturday Morning Reflections	10:00 AM EST	481 495 445
Saturday Afternoon Step	2:00 PM EST	567 129 271
Saturday Evening Fall Forum	8:00 PM EST	481 495 445
Sunday Morning Reflections	10:00 AM EST	481 495 445
Sunday Afternoon Big Book Study	3:00 PM EST	675 861 352
Sunday Evening Reflections	7:00 PM EST	567 129 271

Times May Vary

© Michelle L. Malkin, 2013



Questions & Answers



Dr. Michelle L. Malkin, JD, PhD
East Carolina University
malkinm20@ecu.edu
(252) 328-2411 (work)



Jody Bechtold, ICGC-II, BACC
The Better Institute
jody@betterinstitute.com
(412) 303-0163 (cell)

© Michelle L. Malkin, 2023