

Association of Professionals Treating Problem Gambling

Gambling and Illegal Activity

Two thirds of compulsive gamblers undergoing treatment or who join Gamblers Anonymous admit to committing illegal acts to finance their gambling or pay their gambling debts. Individuals who entered one treatment clinic for gambling had an average gambling-related debt of \$54,662.00, while the same figure at another treatment program was \$92,000.00.

Debts of this magnitude may compromise one's financial stability, cause problems with family and work, and prompt some individuals to engage in illegal activities as a means of covering their losses.

Compulsive gamblers generally use legal sources of funding for as long as possible. As gambling losses intensify, legal sources of money are gradually used up or closed off. Depending on personal value systems, opportunities for illegal activity, perceptions of risk and the existence of threats (from loan sharks or bookies, for example), compulsive gamblers may then become involved in progressively more serious illegal activity. In some cases, the amount of money runs into millions of dollars.

As loans come due and pressures to pay become more insistent, sometimes involving threats of exposure or of physical harm from loan sharks or bookies, desperate gamblers weigh the risks of "borrowing" (embezzling) money from their employer, making fraudulent loan applicants or insurance claims, or stealing the money. Once they succumb to this temptation, the threshold to an even greater commitment to gambling has been crossed. This is especially true if they obtain money by loan fraud or embezzlement. These kinds of crimes enable gamblers to rationalize that they are not really criminals; the money is only "borrowed" so no one is being hurt. But there is constant pressure to repay the money, and counting on a big win is seen as the only hope for doing so. This extends the spiral of involvement from more gambling to more and more illegal activities until the gambler is caught, seeks professional help, or really does hit the big win.

GAMBLING AND THE LAW

American gambling law has been based upon the assumption that anyone who gambles is doing so of his or her own free will and if they break the law, they are deserving of punishment. Today, however, there is a growing acceptance that some individuals cannot control their gambling and that the crimes they commit are a direct consequence of their gambling addiction.

These conflicting viewpoints are causing dramatic conflicts in the interpretation of the law. For example, some courts are ordering gamblers who embezzle to serve prison sentences of up to ten years, other courts are ordering defendants in virtually identical cases to be put on probation and attend Gamblers Anonymous.

Two Cases—Different Results:

Letter carrier Edward Hyde had been convicted on a criminal charge of delaying the mail after over 3,500 pieces of mail, many containing checks, were found in his car. He was sentenced to 18 months of probation with the condition that he completes a rehabilitation program for compulsive gamblers.

In a similar case, an FBI Special Agent, was fired after he misappropriated \$5,000.00 to use the money for gambling at a casino in Atlantic City. After a series of appeals, the termination was reversed and the FBI was ordered to demote him and suspend him for 90 days.

The legal precedents are, therefore, unclear on whether an employee who commits an illegal action as a consequence of compulsive gambling should be punished or rehabilitated.

So, my question to all of you is: Should compulsive gambling be viewed as the motive for the crime, or as a form of mental illness that explains the action and relieves the individual of guilt?

Source: Richards J. Heuer, Jr., Compulsive Gambling: “Background Information for Security Personnel”.