



**Commission on Crime and Problem Gambling
Oral evidence session four: Lived experience**

**Thursday 26 November 2020
Zoom session, 2.00pm – 4.00pm**

Present: Elizabeth Morony (**Chair**), Andrew Black, Henrietta Bowden Jones, Matt Burton, John Chisholm, Frances Crook, Andrew Neilson, Neil Platt, Norma Stephenson

Apologies: Jamie Bennett, Sue Broadbent, Jon Collins, Peter Goldsmith, Sarah Ramanauskas, Gerda Reith

In attendance: Gemma Buckland, Helen Churcher, Anita Dockley, Catryn Yousefi

Witnesses: Stephen Ramsey, Rebecca Jones, Paul Buck

Agenda

1. Chair's introduction

The Chair welcomed Commissioners and gave apologies of those unable to attend. The Chair noted that she would be chairing the session in Lord Goldsmith's absence. The Chair informed Commissioners that the evidence session would be recorded for internal use.

2. Briefing session

The Chair thanked Howard League staff for their preparatory work and briefing documents.

The Chair explained the format of the session- each witness would be given 10 minutes to talk about their experiences. Due to time constraints, questions and responses should be restrained to 4-5 minutes per question. The Chair noted that the witnesses were acquainted with one another, and so would be able to share and refer answers.

3. Evidence session

The Chair welcome the three witnesses to the evidence session and introduced them. The Chair reminded witnesses of the format and timing of the session.

Each witness spoke for 10 minutes about their experience of crime and problem gambling. Two of the witnesses had been in prison having committed crime to fund their gambling addictions, and the third had experience as a family member of someone currently in prison.

Commissioners thanked witnesses for speaking candidly about difficult experiences.

4. Questions from Commissioners

Commissioners asked questions relating to the witnesses' experience of crime and problem gambling, and in particular their experiences of the criminal justice system (hereafter CJS). The following themes and learning points emerged:

Development and experience of addiction

Prior to the development of a gambling addiction, witnesses either did not gamble, or gambled socially in a controlled manner. Witnesses noted a turning point whereby the intense feeling and rush (described as being unmatched) of a win (dopamine, serotonin) very quickly led to an uncontrollable problem/addiction.

Witnesses highlighted the very negative impact on mental health, with shared experiences of depression and suicide attempts.

Impact of gambling related crime

Witnesses explained the wider adverse impact of gambling related crime, with particular focus on their families:

- Loss of income through loss of employment/custodial sentences
- Witnesses and their families suffered poor mental health as a result
- Relationships broke down
- Future financial, familial and career prospects were uncertain/ limited
- Family life was turned upside down
- Discovery/administration of hidden debt/loans

Witnesses explained how the impact was felt long after they had stopped gambling. All aspects of their lives had changed, and they would always be in recovery.

Witnesses noted that their (or their family member's) addictions were well-hidden, and only became visible following the commission of a crime.

Impact of gambling related crime on employers

Witnesses (or their family members) had all committed offences against their employers. In addition to the financial impact, they noted the interpersonal and mental health impact on their colleagues. It had an intangible impact on reputation, morale, and relationships.

Nature of gambling related crime

Witnesses agreed that gambling leads to crime. It is an escalating addiction, requiring escalating funds. Witnesses explained how the strength of the addiction can frustrate/mask one's usual decision-making pathways and moral compass. The depth of this link was illustrated by one witness's stark observation: that, for people with gambling addictions, their 'rock bottom' can involve either committing a crime or committing suicide. One witness explained that in his poor mental state, he had not been aware of the full amounts he had stolen.

Witnesses illustrated that gambling related crime often took the form of the theft of large amounts, stolen over a period of time. Witness one stole £192,000 from their

employer over a four-year period. Witness two's family member stole £370,000 from their employer over a three-and-a-half-year period. Witness three stole £434,000 from their employer.

Disclosure

Witnesses explained how they (or their family member) first admitted theft to their employers. In one case, an employer made a settlement following the first theft to avoid involving the CJS (comprising of repayment and a treatment programme), before a subsequent relapse and offence. Two witnesses made suicide attempts at the time of admission/discovery. All handed themselves in to the police and disclosed their behaviour.

Police

Witnesses highlighted the limited role the police played, due to the fact that they handed themselves in. Witnesses noted that mental health and addiction support offered by the police was limited. A lack of understanding of gambling addiction was apparent, both among police and mental health practitioners.

Two witnesses explained that their initial engagement and interviews were a cathartic experience for them- police interview allowed them to open up about their behaviour and suffering.

Witnesses noted a general lack of signposting in terms of process and support.

Action: *The Commission noted the unique aspect of gambling related crime (Self-disclosure, honesty and openness in interview). The Commission noted the lack of support and signposting from the police. This area would be flagged to follow up.*

Court process

Witnesses highlighted the limited understanding of problem gambling among their legal teams. Witnesses in fact ended up conducting research themselves and educating their legal teams. One witness was represented by a family member of a fellow Gamblers Anonymous (hereafter GA) member (their experience as affected other gave them greater understanding).

Witnesses noted that, whilst custodial sentences were inevitable (due to amounts stolen), the judge's attitude toward and understanding of problem gambling played a central role in sentencing. All witnesses highlighted the judiciary's lack of knowledge about problem gambling. One witness explained that his hearing was adjourned whilst the judge researched the matter.

Action: *The Commission noted that judicial understanding of problem gambling, and sign posting in the legal and court process were lacking. This area would be flagged to follow up.*

Crown Prosecution Service

Witnesses noted that there appeared to be a lack of understanding of problem gambling in the Crown Prosecution Service (hereafter CPS). The focus on severity and financial benefit belied the fact that problem gamblers who commit crime rarely profit financially.

Sentences

Witness one was given a 27-month prison sentence. He served ten months in prison, was on tag for three months, and on licence for the remainder of his sentence. Witness two's family member's sentence was raised to the high impact category (the judge's decision). They received a seven-year custodial sentence, reduced to three with mitigating factors. Witness three received a seven-year custodial sentence, reduce to two years eight months with mitigating factors.

Prison

Witnesses noted the near total lack of support available for gambling addiction in prison, and a lack of understanding amongst staff and other prisoners. In addition to a lack of support, there were barriers to accessing it (seeking support meant admitting to gambling, something which is not permitted in prison).

Witnesses agreed that gambling was a significant part of prison culture, making recovery more challenging. One witness explained how prison could in fact cause, exacerbate, or lead to relapse of a gambling addiction, citing an occasion where her family member was threatened for not participating in a bet.

Despite the lack of support available, witnesses highlighted the prevalence of the problem, noting that they encountered others in prison (including cellmates) with similar problems. One witness noted that there were three people sent to the same prison, in the course of one year, due to problem gambling.

Probation

Witnesses again highlighted a lack of understanding/knowledge about problem gambling in the probation service. Witnesses explained that whilst there was no tailored support on probation, they were helpful in accommodating needs (e.g. changes to tag conditions to attend GA meetings, employment etc). Witnesses would have engaged with probation-led support if available and noted that the onus was placed on them/family members to support, seek treatment, and rehabilitate.

Proceeds of Crime Act 2002

Witnesses highlighted that people with a gambling addiction rarely benefit materially from their behaviour (any wins were placed again as bets).

Witnesses highlighted inconsistencies in the use of the Proceeds of Crime Act 2002 (hereafter POCA). One witness explained that, in their family member's case, the CPS had lobbied for the POCA fine to include inflation, totalling £400,000, and exceeding the amount that was originally stolen. In addition, the POCA hearing did not consider the operator's repayment. In this case, POCA would greatly impact future life chances and impact rehabilitation. POCA was seen to have wider ranging effects beyond the financial, including on marriage, and estates. By comparison, another witness received a £1 order (in addition to pension confiscation).

Witnesses agreed that POCA was not fit for purpose in the case of gambling related crime and was administered inconsistently. Online gambling platforms clearly track where money has gone and how it has been lost (on further bets). People with a

gambling addiction do not enjoy it - problem gambling is now globally recognised as a mental health problem and addiction.

Action: *The Commission agreed that this was a clear steer. The Commission agreed that it would submit a response to the Law Commission's public consultation on post-conviction confiscation.*

Rehabilitation and reoffending

Witnesses detailed their experiences of or hopes for post-release. Two witnesses are employed (one in the field, raising awareness and education about problem gambling).

One witness noted the double bind of their family member's sentence and its impact on the future- upon release, he would have a criminal record and large POCA fine.

All witnesses noted that the offence was the first that they (or their family member) had ever committed. They noted that they felt they (or their family member) would never reoffend. Witnesses stated that gambling alone had made them/their family member commit a crime.

Industry and VIP schemes

Witnesses clearly highlighted the dangers of VIP schemes. One witnesses' family member was in recovery for 6 weeks (undergoing treatment and self-exclusion) when a VIP email caused them to relapse. Another witness had 93 separate betting accounts across 18 different operators, changing only his username to create new accounts. He self-excluded 92 times. Operators did not intervene despite these clear warning flags. He detailed the numerous lures to continue gambling offered by VIP schemes- overseas holidays, luxury hampers, large loans/credits to continue gambling after a loss.

Action: *The Commission agreed to target VIP schemes in their future research and recommendations.*

Role of the Gambling Commission

Witnesses cases highlighted failings in the regulatory process and delays in the investigation process. Witnesses were sentenced before investigations concluded, and thus repayment settlements could not be taken into account in sentencing (a key component). Legal failings in the cases were acknowledged by the Gambling Commission, e.g. in anti-money laundering schemes. Witnesses suggested that repayments were made without their knowledge, thus affecting their sentence.

Recommendations to the Commission

Witnesses recommended that the Commission focus on the following:

- Raise awareness and understanding of problem gambling (and its mental health implications) across the whole CJS
- Evaluate understanding and support at every stage of the CJS
- Focus on prevention, in particular the role of the industry/operators
- Include the voices of those with lived experience
- Lobby for regulatory investigations to be completed prior to sentencing
- Explore long-term support options post-release

- Encourage greater, and shared accountability- the onus is not just on the addict, but on the operator, the regulator
- Investigate VIP schemes

5. Closing remarks and thanks to witnesses

The Chair thanked witnesses and Commissioners, and invited witnesses to follow up in writing, if they wished. Witnesses agreed to send a joint, written response. Commissioners also thanked witnesses for sharing their experiences.

6. Debrief

Commissioners agreed that the session had signposted numerous avenues where they could conduct research and make recommendations.

Commissioners discussed their response to the Law Commission's consultation on POCA (deadline - Friday 18 December). It was agreed that details would be sent to the witnesses to respond if they wished, and that the Commission would send their own response (to be shared with the witnesses).

7. AOB

None

8. Dates of next meetings

- Thursday 10 December - Evidence session - Sir Iain Duncan Smith MP, Carolyn Harris MP

Minutes agreed by the Chair 10/12/20

CY/HC 10/12/2020