



**Commission on Crime and Problem Gambling
Research meeting
Monday 19 April 2021
Zoom session, 2.00pm – 3.00pm**

Apologies: Andrew Black, Sue Broadbent, Henrietta Bowden-Jones, Gerda Reith

Present: Elizabeth Morony (Chair), Jamie Bennett, Matt Burton, Jon Collins, Frances Crook, Lord Goldsmith, Andrew Neilson, Neil Platt, Sarah Ramanauskas, Norma Stephenson

In attendance: Laura Bailey, Gemma Buckland, Helen Churcher, Anita Dockley, Sarah Page, Catryn Yousefi

Agenda

1. Chair's introduction

The Chair welcomed Commissioners and gave apologies for those unable to attend. The Chair noted that she would be chairing the session on behalf of Lord Goldsmith. The Chair welcomed members of the sentencing research team: principal investigator Sarah Page (Staffordshire University) and research assistant Laura Bailey (Staffordshire University). The Chair informed the meeting that Sarah Page would give a presentation on the research findings, followed by questions from Commissioners. Anita Dockley would then summarise the findings and give an update on the progress of the other research commissions.

2. Presentation on research findings: Sentencers' understanding and treatment of problem gamblers

Sarah Page gave a presentation on the findings from the research commission 'Sentencers' understanding and treatment of problem gamblers' (slides attached).

NB: Commissioners received a paper in advance of the meeting explaining the research methodology.

The Chair thanked Sarah Page and opened the floor for questions from Commissioners.

The research findings were well received by Commissioners. The research findings supported what Commissioners had heard through oral evidence sessions and their own experience in the field, including:

- Gambling is a hidden addiction
- There is a lack of awareness across the criminal justice system
- The right questions are not being asked

Lord Goldsmith asked:

What did the research identify about the effectiveness of different disposals?

Sarah Page explained that the findings did not directly cover this. This was because the few cases that magistrates had dealt with were referred upwards to the crown court. Thus, they did not necessarily gain an understanding of outcomes following this referral. Sarah Page noted that a concern highlighted was the questionable appropriateness of fines as they were likely to exacerbate financial strains. The research also highlighted a consensus among sentencers regarding the questionable efficacy of generic court-ordered programmes (e.g., thinking skills, addiction programmes) which do not appropriately address the issue of problem gambling. Sentencers suggested that bespoke programmes would be more beneficial.

Jon Chisholm asked:

The Canadian approach to problem gambling is mentioned frequently in the research findings. What could the Commission learn from this? And what could the Commission recommend?

Sarah Page informed Commissioners that the final report would provide more detail about the Canadian approach. An important factor is that in Canada, problem gambling is recognised as a mitigating factor because it is part of the Diagnostic and Statistical Manual of Mental Disorders (widely known as DSM–5, used in the diagnosis and classification of mental disorders). There is an acknowledgment that mental capacity is hindered when someone is a problem gambler. Canadian defence lawyers are able to assess their defendant's financial accounts and illustrate financial difficulties pre-dating the offence e.g., debt, irrational sale of property and belongings, continued gambling despite debt. Defence lawyers can use this evidence to contextualise the offence and related loss of control. In addition, Canadian courts use expert witness reports by academics to provide in depth assessments about problem gambling- this involves clarifying the extent of addiction, recommending preferred treatment, and explaining how it relates to the offence. Magistrates in our survey in England and Wales thought that a probation officer with sufficient training would be able to assess the extent of addiction.

Jamie Bennet asked:

The research findings suggest that the same issues about awareness, knowledge and screening are echoed across the criminal justice service. Was there a sense of eagerness among magistrates to engage and learn more?

Sarah Page explained that magistrates engaged in each stage of the research had differing levels of experience regarding problem gambling, but despite this demonstrated a desire to learn and enhance their understanding. Magistrates frequently encounter addiction, and some had suspected problem gambling, but this had not been assessed as an issue. Training would help magistrates be more insightful and able to ask the right questions and request pre-sentence reports.

The Chair thanked Sarah Page for her presentation and invited Anita Dockley to update the Commission on other research and summarise the key themes and learning points arising.

3. Key themes and learning points (Anita Dockley)

Anita Dockley shared some key points for the Commission to take forward, arising from the evidence sessions and research commissions. Although some magistrates (as with other criminal justice service professionals) appear to have a general awareness about gambling, this does not always extend to problem gambling. Their awareness of and knowledge about the intersection between crime and problem gambling is lacking (this is evidenced across criminal justice service agencies, including Her Majesty's Prison and Probation Service).

Information about problem gambling is not brought into the court room and presents a 'chicken and egg' situation- a lack of awareness stems from a lack of information fed in (e.g., by defence lawyers or probation). Two factors cause this:

- lack of information in sentencing guidelines regarding problem gambling and mitigating/aggravating factors
- lack of guidance for sentencers and probation staff about services/sentencing options.

In light of this, the Commission could explore how sentencing guidelines are developed with respect to problem gambling, and how it is considered throughout the system (e.g., as an aggravating or mitigating factor).

Three key points:

- The research findings illustrate that greater awareness, attention, and training about problem gambling among criminal justice service professionals is essential. The Commission should consider how it could engage with different criminal justice service training bodies
- Explore and take up opportunities arising from the renationalisation of the probation service as new probation provisions might allow for new commissioning possibilities e.g., smaller scale bespoke options, as suggested by magistrates

The Chair opened the floor for discussion. Commissioners noted the following:

Courtroom

- Facilitate greater understanding, particularly among probation staff and defence solicitors
- Until there is clarity as regards sentencing, problem gambling is less likely to be raised in court (existing awareness levels and understanding may result in a harsher sentence e.g., gambling seen as a personal flaw)
 - Unless it is clear how information about problem gambling will be used, people may not provide it
- Further research at crown court level may be useful, and arguably essential in presenting robust evidence
 - Access may be challenging, but alternative avenues could include court room data, or indications from lived experience research
- The findings of the research with magistrates could be tested with the Criminal Bar Association
 - This group was represented at the stakeholder roundtable but could be approached more systematically

Criminal justice service

- Awareness raising and collaboration is key, including initial dialogue
- Problem gambling and criminality exists on a spectrum - from a central issue to one aspect of a set of problem behaviours (a symptom rather than cause)

Other avenues

- The Commission could engage with employers' organisations (e.g., could write to the Confederation of British Industry) to assess awareness and prevalence here - lack of awareness among employers may extend as a barrier to reporting

4. Update on current and future research programmes (Anita Dockley)

Anita Dockley gave an update on current future research programmes.

Lived experience

The research is progressing well and is on track. Dr Lauren Smith is working with Howard League staff to diversify the sample (most of those interviewed have been older, white men). Commissioners may be able to assist with contacts with lived experience who are women, or from Black and minority ethnic backgrounds.

Police awareness and strategy

Howard League staff have begun work on research into police awareness and strategy. This research is being done in-house over the next two months. The methodology is as follows: FOI requests have been issued to all police force areas and surveys will be issued to Police and Crime Commissioners, Chief Constables and liaison and diversion teams. The research seeks to gain an idea about how much awareness and understanding there is among police forces, and what strategies they use when encountering problem gambling.

5. AOB

None. The Chair thanked Anita Dockley for the update and Commissioners for attending.

6. Future meetings

Monday 17 May, 2:00pm-3:00pm

Minutes agreed by the Chair 6 May 2021

HC/CY 06/05/2021