



Commission on Crime &
Gambling Related Harms



The Commission on Crime and Gambling Related Harms

Final Report

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Foreword

The collective decision, agreed this month by all 20 Premier League football clubs, to withdraw lucrative betting sponsorship from the front of their matchday shirts reflects a growing public awareness – and concern – about the harmful impact that gambling can have. Indeed, a much-delayed White Paper on gambling reform should be published imminently by the government.

Links between gambling-related harms and crime are less well understood, however. Anecdotal evidence is plentiful; hardly a week goes by, it seems, without a newspaper reporting a criminal court case in which gambling has been a factor. But when the Commission on Crime and Gambling Related Harms began work in 2019, there were hardly any data for us to interrogate. Our literature review found that the previous 25 years had produced fewer than 50 peer-researched papers worldwide that were focused on this issue.

This report explains how we sought to address these gaps through evidence sessions and new research, and what we learned in doing so. We would like to thank everyone who has contributed their time and expertise to this endeavour, not least the Howard League for Penal Reform for its support of our work. We are especially grateful to those individuals with lived experience of gambling and crime who have spoken so powerfully about what needs to change.

And much needs to change. We know that the cases which reach the news are not the full picture. Gambling-related harms have links to a diverse range of offences, but this is not yet well recognised by government and reliable estimates of prevalence remain elusive. Many witnesses pointed to a lack of understanding and support for those affected at each stage of the criminal justice system – at the police station, in the courtroom, on community sentences, in prison and on release. Inappropriate confiscation of assets under the Proceeds of Crime Act, which can ruin the lives of innocent families, is a particular area of concern.

More positively, there are already initiatives showing a way forward across the country, and there is a growing understanding among some practitioners that gambling harms can be as intrinsically linked to contact with the criminal justice system as substance misuse or poor mental health. There are opportunities for this to be recognised more systematically in the burgeoning development of nationwide prevention and support services.

It is time for action. Our recommendations point the way ahead for politicians, policymakers and everyone working to prevent crime.

Lord Goldsmith KC

Chair, The Commission on Crime and Gambling Related Harms
April 2023

Summary of key recommendations

This report makes a number of recommendations throughout, including detailed suggestions reflecting current policy and practice. In this summary, the Commission's key recommendations are highlighted and grouped to respond to four priorities: a) developing a strategic approach in response to gambling-related crime; b) enhancing the role of criminal justice agencies; c) integrating gambling-related crime into broader government action on gambling harms; d) commissioning further research.

Developing a strategic approach

- Criminal justice and health commissioners should be provided with resources from Gambling Commission revenues to fund work locally and regionally to develop a treatment and support infrastructure through the police, courts and prisons that seeks to reduce crime related to gambling and ensures that criminal justice agencies have sufficient capacity to develop appropriate support pathways. This should include signposting access to mainstream gambling services as well as the development of specialist services or initiatives within the criminal justice system which are designed to address specifically the links between gambling and crime and work at the intersection between public health and justice.
- Building on the momentum from the Commission's work will require a greater central drive from both Ministry of Justice and the Home Office whose political leaders should signal more clearly their grasp of the problem of gambling-related harms within the criminal justice system and advocate for funding to support a systematic approach to tackling gambling-related harms across the criminal justice system.
- The development and implementation of this approach should be informed by establishing a national board with senior representatives from the police, police and crime commissioners, victims' advocates, prosecution, courts, probation and prisons, and public health, along with representation from those with lived experience of gambling harms related to crime including affected others. Specific consideration should be given to how to address the under-representation of women and people from ethnic minority communities in support and treatment.
- Those indirectly affected by gambling-related harms who encounter the criminal justice system require more appropriate support. The Gambling Commission should ensure that sufficient compensatory funds from gambling operators are allocated to such support.

Enhancing the role of criminal justice agencies

- We have identified multiple points within the criminal justice process at which both screening and assessment processes and guidance and training to raise awareness among practitioners should be developed. For example, we recommend that where gambling-related harms or potential gambling addiction are identified, there should be mandatory completion of probation reports to inform sentencing.
- To improve access to mainstream and criminal-justice specific services, criminal justice and public health commissioners should work together to develop clear through-the-gate support routes and pathways for community-based support that are aligned to suspended sentences, community penalties and sentences, and prison sentences.
- The voices of those with lived experience of gambling harms related to crime including affected others should be integral to the development of guidance, training, and support.
- The Crown Prosecution Service should create guidance for prosecutors on the use of POCA in cases where the offence stems from gambling-related harms.
- The Ministry of Justice should pilot and evaluate the use of existing sentencing options for gambling-related crime to examine their benefits and assess whether the existing legislation is sufficient to recognise and support gambling-related harms.
- The Sentencing Council should consider what improvements could be made to sentencing guidelines to ensure that gambling disorder is appropriately dealt with by the courts, including on culpability (and related mitigation), mental disorders, and in relation to appropriate sentencing options.
- The Judicial College should consider revising the Equal Treatment Benchbook to ensure that it is reflective of differential experiences of gambling disorder, alongside its current consideration of drug and alcohol use.
- HMPPS must recognise the nature of gambling in prison and consider how best to achieve cultural change on gambling within prison environments with the aim of preventing gambling-related harms in prison and fostering recovery for those experiencing them.

Integrating gambling-related crime into cross-government action

- More widely, there is a need to integrate responses to gambling-related crime and gambling-related harms experienced by people in contact with the criminal justice system in mainstream responses to gambling-related harms. In the short-term, a joint Parliamentary select committee inquiry by relevant government departments should be established to scrutinise cross-departmental governance, strategy, expectations and outcomes. In the longer-term, to facilitate ongoing cross-departmental

oversight of progress on actions to tackle gambling-related harms, including crime, we recommend a model like the Deaths in Custody Ministerial Group (comprised of governmental ministers, departmental leads, and other organisations).

- The government should commission an external review to consider the extent to which the steps taken by the Gambling Commission and gambling operators address criminal activity related to gambling, impact people experiencing gambling harms related to crime, and support those trying to recover. This should include whether there is sufficient transparency about the links between gambling and crime when fines and sanctions to operators are disclosed.
- Careful consideration should be given by the Home Office and the Gambling Commission to the asset confiscation regime and how it applies to gambling-related crimes and those affected by them, including reviewing whether the Law Commission's proposals on the Proceeds of Crime Act are sufficient to address the distinct complexities of such cases and how compensatory funds from operators are taken into account.

Research recommendations

While there is already sufficiently strong evidence to take definitive action to reduce gambling-related crime and the wider harms related to gambling experienced by people in the criminal justice system, we have identified a need for further research in several areas.

Prevalence and potential determinants

- There is a need to better understand the prevalence and nature of the complex relationship between gambling and crime to build up the evidence base on the intersection between demographic and social factors among people affected and the nature of harms experienced.
- A core set of data should be agreed upon and collected by both the criminal justice system and the public health to facilitate a better understanding of the links between demographics, crime types, and health and justice outcomes.
- The inter-generational nature of experience of gambling-related harms and the relationship with trajectories into crime.
- The impact of the proliferation of gambling products, their widespread availability and how different products are consumed on crime as well as links between different types of gambling product and crime.

The nature and efficacy of support and treatment

- There is a need to better understand what constitutes effective support and interventions across both the criminal justice and public health systems, how upstream prevention should be designed to stop people encountering the justice system at all, drawing on the experiences of others affected by crime related to gambling, and what constitutes appropriate outcome measures for support and treatment for people involved in the criminal justice system.

Societal and system impact

- There is a need for research to develop a full understanding of the financial costs to society of gambling-related harms in the criminal justice system, not limited to those related to imprisonment.
- Specific consideration should be given to the implications of gambling-related harms, including gambling disorder, in terms of prosecution practices, the culpability of people experiencing them and related sentence mitigation.



Introduction

While gambling is accessed by a large proportion of the British population, and is legislated as a leisure activity, gambling is increasingly perceived as a public health concern (Wardle et al, 2018). The Gambling Commission's 2019 three-year National Strategy to Reduce Gambling Harms was clear that a collective effort was needed by all stakeholders to reduce gambling-related harms — defined as the adverse impacts from gambling on the health and wellbeing of individuals, families, communities, and society (Wardle et al, 2018)—part of which, it recognised, was gambling-related crime. At that time, crime was a relatively small part of public policy considerations about the wider social impact of gambling and little focused attention was given to it in the Strategy. Indeed, the Commission acknowledged to us that there was limited national data and research regarding gambling-related crime and its impact on society. It was in recognition of the need to plug this gap that the Gambling Commission funded the establishment of our Commission to run for three years, in parallel with its three-year strategy.

Now, as our Commission concludes its work, we are awaiting an updated national strategy on Gambling Harms and the government's response to a review of the Gambling Act 2005—which requires updating due to technological and social developments—expected in the form of a White Paper.

The Commission's approach

Our objectives were to address three overarching questions.

1. What are the links between gambling-related harms and crime?
2. What impact do these links have on communities and society?
3. What should be done?

We have commissioned or conducted the following research (see Annex A):

- A literature review of academic research
- A survey and focus groups with sentencers and other criminal justice stakeholders on courts and sentencing
- FOI requests to police forces in England and Wales and interviews with police officers and Liaison and Diversion practitioners
- Lived-experience interviews among people who have committed crimes related to gambling, and with others affected by these crimes
- Co-produced research on lived experience among women, people from ethnic minority communities, using peer research interviews and focus groups
- Co-produced research on prison culture using peer research interviews

The interim report summarised our learning to date on the links between gambling and crime and the extent to which this was being considered by criminal justice agencies and made some preliminary recommendations to government and policymakers. We had found that there was a lack of knowledge amongst practitioners and limited targeted activity within the criminal justice system about crime related to gambling harms. While this continues to be the case to a significant degree, that picture is changing. This is in part stimulated by the Commission's work to evidence the issue and raise awareness. Interest is also arising from the development of nationwide National Health Service (NHS) treatment options and emerging from the National Police Chief's Council (NPCC), some committed Police and Crime Commissioners (PCCs), and His Majesty's Prison and Probation Service (HMPPS). Nevertheless, there is no overarching strategic approach and responsibility within government for driving forward change remains unclear.

The Commission's findings

1. The links between gambling and crime

The Commission used several approaches to examine what evidence exists on the relationship between gambling and crime, including an initial call for evidence, a review of academic papers and a grey literature review.

Our interim report *State of Play: Crime and problem gambling* brought together our preliminary findings and illustrated that there is limited research on gambling and crime both internationally and in England and Wales (Commission on Crime and Gambling Related Harms, 2021d. See also: Ramanauskas, 2020; Commission on Crime and Gambling Related Harms, 2021c). Nevertheless, the evidence that does exist is compelling and indicative of the need to take decisive action to address the link with crime as part of wider approaches to reduce gambling-related harms. For example, research demonstrates that:

- There is a high incidence of people committing crimes to fund their gambling (Ramanauskas, 2020);
- Crimes are not limited to white-collar crimes, but include public offences such as street robbery and there are links to domestic abuse and neglect (Ramanauskas, 2020);
- The more prolonged the gambling, the more likely a crime will be committed to fund it and that ongoing crimes may result (Ramanauskas, 2020); and
- A person committing a gambling-related crime has been characterised as typically being on a 'slippery slope' or downward spiral of loss-chasing, in which gambling continues despite debt, financial difficulties and relationship breakdown, and responses escalate (Churcher, 2022).

Our interim report focused on 'problem gambling', a term used to describe recognised mental health disorder, which was prominent in the literature landscape and our early evidence sessions. Accordingly, we commenced our work by considering questions related to addiction and culpability and how this ought to be considered in criminal justice responses to such crimes. We also focused initially on relatively prominent examples of fraud in which gambling escalates quickly prior to the commission of an offence (Commission on Crime and Gambling Related Harms, 2020b). At that stage we had predominantly heard from white adult males who had amassed large debts due to gambling. It was these debts that seemed to be a significant driver of the commission of a financial offence of theft or fraud within the workplace and amounts stolen can escalate similarly quickly. Gambling was instrumental in crime for the specific purpose of paying rising gambling debts and/or funding further gambling. Funds were typically stolen from employers—which were accessible due to positions of responsibility, such as accountancy, rental accommodation

management, financial advice services, and sales—though some from friends or family members. Typically, money had been stolen on multiple occasions over a protracted period of time. For some people the commission of an offence, at the time, seemed like a better alternative to their family finding out about the mounting debt and gambling behaviours.

As the Commission has proceeded and our understanding broadened through the research we commissioned, our emphasis has changed, reflected in a change to our name in 2022 which was also influenced by our increasing awareness of the stigma linked to the phrase ‘problem gambling’ and the trend towards the term ‘gambling harms’ or ‘gambling-related harms’ to replace this (Saxton and Eberhardt, 2021). We adopted the term ‘gambling-related harm’ and moved towards consideration of a wider range of gambling harms which exist among people involved in the criminal justice system.

One-off contact with the criminal justice system following large-scale fraud offences is not illustrative of the full picture of such harms and the experience of them amongst those involved in the criminal justice system is not solely related to crime undertaken to finance gambling or limited to those with gambling disorder.

Our recent reports which document the findings of our peer research programme give a rich illustration of the very complex interplay between crime and gambling-related harms which is best considered as being a spectrum. This evidence, as well as evidence gathered from police custody suites, illustrates powerfully how gambling-related harms are also influential in wider patterns of crime. For example, our policing research has provided some new insight on the spectrum of crimes in England and Wales recorded as related to gambling harms, 45 per cent of which were violent offences. Others included public order, sexual offences, drugs offences and forms of theft other than fraud, like burglary and robbery, for example (Churcher, 2022).

“We would be doing a disservice if all we looked at were the obvious theft and fraud, we need to look at, with an open mind, things that aren’t always obvious” (Custody inspector. Quoted in Churcher, 2022)

Prevalence rates

Evidence on the prevalence of gambling-related crime is not definitive. Crudely speaking, research has examined either self-reported crime amongst people being treated for gambling addiction or gambling by people involved in the criminal justice system. For the former, up to 65 per cent of people considered ‘severe problem gamblers’—measured using the Problem Gambling Severity Index (PGSI)—reported gambling-related criminal behaviour (Turner et al, 2009). Internationally, prison populations are considered to have the highest prevalence of gambling found in any forensic population (Williams et al, 2005). In relation to the latter, it has been estimated that over their lifetime people

experiencing gambling problems are 4.4 times more likely to be in prison than an average member of the population (IPPR, 2016). A recent survey found that in 14 prisons in England and Wales four per cent of people surveyed attributed their gambling directly to the reason they are in prison, and two per cent believed that their crime or lifestyle led them to gamble (The Forward Trust, 2020).

There was also evidence of people in prison experiencing wider problems in their life related to gambling, with 23 per cent reporting that they thought they had a gambling problem; five per cent had lost their job due to their gambling; 11 per cent had experienced relationship issues; and 14 per cent had experienced debt. Other research within English prisons found that five per cent of males and three per cent of females linked their current sentence to gambling, while 13 per cent of men and seven per cent of women admitted to having committed an offence to finance gambling or repay debts (May-Chahal et al, 2015).

Prevalence rates of crime and gambling are challenging to establish because of the hidden nature of gambling-related crime for various reasons. For example:

- Those who have gambled not directly linking the offences they have committed or their sentence to their gambling (Perrone et al, 2013).
- Many offences not being drawn to the attention of law enforcement authorities and hence determined to be illegal (such as unauthorised withdrawal from joint accounts) and being committed against family members or friends who refrain from reporting or are relating to theft from employers who decide not to proceed with charges (Sakurai et al, 2003).
- The assumption that crimes related to gambling are relatively narrow.
- The lack of systematic recording of incidences of gambling as a contributing factor for offences in England and Wales.

The demographics of those affected by gambling-related harms

Studies to date have largely been small in scale and have given us only a limited understanding of those involved in crime related to gambling and their trajectories into it to enable us to understand potential risk factors and identify potential avenues for prevention and early intervention. There is a particular gap in research evidence regarding the demographics of people who are affected by gambling and crime-related harms, or who commit gambling-related crime. Monitoring from gambling treatment providers suggest that around 30 per cent of people who access their services are women, and it has been estimated that up to one million women are at risk of gambling-related harms (GambleAware, undated and The Guardian, 2022).

There is also some evidence to suggest that individuals from ethnic minority communities are over-represented in residential treatment or incarcerated groups, and despite gambling less frequently than their white counterparts they may experience more severe levels of gambling-related harm (Gunstone and Gosschalk, 2020). As part of a research programme focusing on the lived experience of gambling-related harms in 'minority groups', a survey was recently published and compared people who identify as a member of an ethnic or religious minority or those from a migrant community when English was not their first language, with white British groups. The findings supported the previous evidence about comparatively lower levels of gambling and found that levels of harm were twice as high. For example, there was a significantly greater likelihood of gambling being viewed as a coping mechanism and evidence that low income may be an associated factor (GambleAware, 2023a). Interestingly, the survey also demonstrated that 'minority groups' were significantly more likely to want to both seek help and advice in order to reduce gambling-related harms and to try to decrease their gambling activity.

In each of our research studies with people experiencing gambling-related harms, the pathways of participants into gambling and crime were varied. For some, gambling started in their teens, while for others, it started later in life (Smith, 2022). There were specific trigger points for some, but for others there was no identifiable trigger or a gradual escalation in their gambling over time. Some of those participants who had commenced their involvement at an early age reported lying about their age to access gambling venues or fruit machines when underage. For those whose gambling commenced later in life, this tended to follow key life transitions (to college, university, a new job, or to a new country, for example) and was accompanied by peer influence and the ease of access to opportunities for online gambling. Some people were able to pinpoint the influence of a large win as the start of their experience of gambling-related harms and for others boredom or isolation were critical factors in the development of their addiction.

Trajectories into gambling

"I put a pound in and I won, and I was hooked immediately ...It went from putting a couple of pound in, to putting notes in, to just putting everything I ever had in." (Stacey, research participant. Quoted in Trebilcock, 2023)

"... I went to University in Leeds in October 1994. And I went and joined the football team... I had a student loan in my account for about £3,500 ... when I joined the football team, all they really spoke about at all the other lads was gambling; and this was despite gambling being difficult to do in those days; it lasted about four days, until Thursday of the next week, before I ended up being at this [operator], simply because if you didn't gamble you weren't going to be part of that football squad" (Paul, research participant. Quoted in Smith, 2022)

There were some commonalities among our research participants in relation to family background and experiences of gambling. While most reported a good upbringing with very little evidence of adverse childhood experiences, more than half the sample reported early exposure to gambling behaviour, which was normalised within the family unit from childhood or teens. For others, engagement in gambling was outside cultural norms and expectations. This was particularly evident in our research with ethnic minority communities where some participants highlighted cultural practices, traditions, and religious beliefs as reasons for maintaining a silence around gambling-related harms, in order to try and reduce the associated stigma and shame (Brown et al, 2023).

Exposure to gambling- background and culture

“Back in the day my father and his friends, you know, the bookie was their social ... gathering place. You know what I mean? So, I can even remember even as kids, you know, the Grand National it was the one thing where each of us ... my dad would say right give me the name of a horse and each of us would give a name, you know, so even at that stage, although we didn't realise back then as children that it was gambling ... that is what it was, entwined with the social aspect for men of my dad's generation.” (Patricia, stakeholder. Quoted in Brown et al, 2023)

“There is no gambling culture in Bangladesh. There are no ‘bookie’ shops’. In rural areas, they play gambling with cards. But that is the lower class.” (Faisal, research participant. Quoted in Brown et al, 2023)

Risk factors for crime and gambling

Risk factors for crime and involvement in the criminal justice system and risk factors for gambling harm appear to overlap to some degree though the relationship is complex and requires further research. For example, studies have highlighted shared behavioural aspects between ‘problem gambling’ and criminal activity, including urgency, impulsivity, and risk-taking behaviour (Lahn, 2005). Structural factors—such as income levels, social inequalities and experience of discrimination—have also been demonstrated to be associated with higher levels of gambling harm (See: Smith, 2022; Trebilcock, 2023; Brown et al, 2023; GambleAware, 2023b).

In our own research we found:

- The initial research with people with lived experience identified very little evidence of adverse childhood experiences (ACEs) which

contradicted previous literature (Smith 2022; Roberts et al, 2017). Participants in the peer research projects drew links between their gambling and unresolved childhood trauma; employment or financial stress; health problems (physical and mental, sometimes female-specific); relationship breakdown; coercive and abusive relationships; family and caring responsibilities (heightened as women); bereavement; inequality and discrimination; intersectional disadvantage; and homelessness (Trebilcock, 2023; Brown et al, 2023).

- Participants who shared with us their personal experience of gambling illustrated a complex link with mental health. While gambling can itself have a significant detrimental impact on mental health—for example, due to the development of isolating behaviours both to engage in gambling and to keep activity hidden—existing mental health concerns, for some participants, had been a factor in the engagement with gambling activity and the development of a gambling addiction.
- For some participants in our research, drug and alcohol use featured alongside gambling addiction. For some, this was recreational, but for others there was evidence of alcohol or drug dependency. However, the presence of dual addictions was not the case for most participants.
- The small number of sentencers who participated in our survey recalled that people presenting in court with gambling issues also experienced financial difficulties, such as debt; alcohol and/or addictions; relationship breakdown and job loss (Page, 2021).

While there is some recognised co-occurrence of gambling with the use of drugs and alcohol, this is not the norm and the social determinants of gambling harms related to crime appear to be much less clear than those for drugs and alcohol. For example, for many who come into contact with the criminal justice system as a result of a gambling-related offence this is their first time or they have had limited prior involvement in offending, the moral implications of which appear to be linked to significant guilt, suicidality and resulting self-disclosure to police. Individuals whose crimes are linked to dependencies on alcohol and/or drugs are more likely to be obvious on arrest, although the rapid rate at which gambling debts can accumulate raises the likelihood of such a prospect (Churcher, 2022). There are some similarities regarding the shame and stigma related to acknowledging the problem, especially once criminality is involved, and which similarly discourages disclosure and help-seeking. Another important feature is that people committing crime or with experience of criminal justice involvement who experience gambling-related harms do not typically recognise an addiction for some time (Smith, 2022).

Hidden nature of gambling- shame, stigma, disclosure

“No one really had a clue; no one knew, people perceive me as running a business... he looks well, he seems well, he doesn't look unhealthy and he's always smiling, he's happy, he's carrying on running this business; it was just a big façade. Inside I was dying.” (Tony, research participant. Quoted in Smith, 2022)

“I sang like a canary [laughs] you know from the time I admitted to what had I done I remember when the police eventually were called and I was arrested at the office, I remember sitting in the police cell thinking it is done. I am free. It is done.” (Tracey, peer researcher. Quoted in Trebilcock, 2023)

“So, it was always a matter of me trying to hide it and hide. I couldn't talk about it, I hadn't talked about my addiction for at least about ten years, So I was, you know, in this dark, dark place, just gambling, gambling, gambling...” (Mazz, research participant. Brown et al, 2023)

“People maybe just don't see it as a real addiction compared to drugs and alcohol. They definitely don't realise how many people are in for gambling. There might be people in for theft or fraud, but it's not reported as 'theft because of gambling' or 'fraud because of gambling', it's just a theft conviction; so just understanding it.” (Thomas, research participant. Quoted in Smith, 2022)

It is important that the full spectrum of gambling harms related to crime is recognised, understood, and reflected in response to this report by criminal justice and health agencies and wider government. If the focus of action by government and criminal justice agencies centres on addressing learning from the most prominent cases of financial crime, the resulting responses will create a mismatch in service provision with a focus on addiction, clinical diagnosis and treatment pathways, rather than broader acknowledgment of experiences of gambling-related harms, which will require a different approach, including screening and support. Larger scale research studies would facilitate a better understanding of the social determinants of gambling-related harms and their relationship to crime and to inform developments in measures of gambling-related harms.

“... personally I don't think gambling is something that screams out straight away and people are open about straight away, it's not until you start picking up other elements of what is going on that you identify that.” (Interview with Liaison and Diversion lead. Quoted in Churcher, 2022)

Others affected by gambling harms related to crime

Gambling-related crime causes wider harms to key relationships such as family, employment, and social networks. Our policing research provided some indication of who else is affected by the ripple effect of gambling-related crime. In addition to current and former intimate partners, children and wider family members are also involved; in the cases documented by police forces, at least 40 per cent of victims appeared to be family or friends of the suspect.

Participants in our research who discovered that they had been affected by the gambling of others close to them reported mixed reactions (Smith, 2022; Trebilcock, 2023). We heard from some family members affected by crime that finding out about the gambling addiction had been a relief because they had known something was wrong but had not known exactly what. Nevertheless, relationship breakdown was not uncommon and even when relationships had been sustained, family relationships had often been impacted by the secrecy of gambling and the subsequent erosion of trust. For some, this included profound implications for their own and family finances either because they had been victims themselves and had lost savings or been left with debts or because they were directly affected by bankruptcy due to subsequent confiscation measures (under the Proceeds of Crime Act, POCA) imposed in an effort to recoup stolen funds. We consider this further in a separate section below. In addition, we heard that those who discover that their partners have committed crimes related to gambling often felt forgotten, with their own experiences and needs overlooked. For example, some felt that resources are directed towards investigating the offence and that empathy is directed towards the gambler. They also feel shame and anxiety about assumptions that they must have been complicit in the gambling.

Impact of gambling harms and crime on others

“It’s impacted on them [daughters] big time, in lots of ways, they never had their dad there, and even that impacts on their ability to get into their own healthy relationships.” (Sarah, research participant. Quoted in Trebilcock, 2023)

“My world got swept away from me ... in a matter of a phone call, that is all it took ... I had gone from ... trying to get all excited for the baby coming, to ... having a phone call to say this has happened and knowing then that my whole future changed.” (Emma, research participant. Quoted in Trebilcock, 2023)



Impact of gambling harms and crime on others (continued)

“I have had my house repossessed. If I would have stayed with my partner, the chances are that ... I don't know, obviously my daughter, my ex would have been homeless etc. I was fortunate that when I had my house repossessed that I have got a big family so I was OK to stay with somebody but that is not the case for many who are just on their own and they may get evicted from a council flat or get their house repossessed and then on the streets.” (Chris, stakeholder. Quoted in Brown et al, 2023)

“You are thinking about it constantly ... Paying something else off and then just when you think you're getting somewhere, you know bailiffs are coming, you have got to find money from that to do this and sort that ... it is Women's experiences of gambling and crime 57 there all the time at the front of your brain, I lay awake at night thinking oh god I have got to pay that tomorrow, oh but if I pay that I can't pay this ... So the financial burden is huge.” (Tara, research participant. Trebilcock. 2023)

Recommendations:

- Given the complexity of crime and gambling, and the fact that the number of people involved in the criminal justice system who identify gambling-related harms as a causal or contributory factor in offending is unknown, it is important that further research is conducted. This should seek to understand the prevalence and nature of the relationship to provide an evidence base for support and interventions across the criminal justice system and for implementing upstream prevention designed to stop people encountering the justice system at all.
- More data should be collected, more consistently within both the criminal justice system (by individual criminal agencies) and the public health system (by NHS England/Public Health Wales, GPs, and local authorities) to further the collective understanding of the nature of gambling-related harms experienced by people in contact with the criminal justice system and the nature of crime committed by people in contact with the public health system. This should include agreeing a core set of data to be collected to facilitate better data on prevalence, alongside data on the demographics of people affected and that which would facilitate a better understanding of the links between demographics, crime types, and health and justice outcomes.
- Once data is collected more consistently, there is scope to use the Ministry of Justice's data linkage datasets to explore lifetime trajectories and build on understanding about the determinants of gambling harms related to crime.

2. The impact of gambling-related harms and crime on communities and society

This quote from the Gambling Commission succinctly describes the breadth of social harms related to crime:

The impact on society of people committing crimes to fund their gambling is far reaching. Stealing to support gambling is a key public concern and is a serious consequence of gambling more than people can afford to lose. The potential of harm to individuals, businesses and society is real. Family members and friends who become victims of gambling associated fraud or theft may experience financial problems as well as mental health issues and damaged relationships including family breakdown. Organisations defrauded of money may suffer financial difficulties, leading in some cases to job losses and bankruptcies impacting on the wider economy.

Gambling-related harms exist on a spectrum within a societal context in which gambling is perceived as a 'norm'. Participants in our research highlighted the impact of national gambling culture on both their initial participation in gambling and their experiences of seeking to stop. For example, they spoke about the normalcy and accessibility of gambling, the pervasiveness of advertising of the plethora of gambling products, and the practices used by the gambling industry to initiate gambling activities and encourage ongoing engagement, including the offer of free bets and promotions. The presence of early exposure to gambling and evidence of inter-generational transmission of gambling behaviours was not universal but neither were they uncommon factors in later offending among those interviewed. Dr. Lauren Smith created a series of timelines which provide narrative accounts of the experiences of some of those who participated in her research. See Annex B.

Exposure to gambling- background and culture

"I convinced him gambling is good and normal in this country, because I took him to Cheltenham, Ascot racecourse, casinos and it's like, look, normal people are coming. It's not like gangsters do this like you see in Bollywood movies, you know, dog dens... It's like gambling is so normalised in this country." (Anil, peer researcher. Brown et al, 2023)

"... Since childhood really, I was always a casual gambler; someone who probably gambled for fun; if I went to the seaside, I would perhaps go to the arcade and have a gamble, as I gradually got older, I would occasionally put the odd accumulator on a Saturday, when the football was on, or when the Grand National was on." (Steve, research participant. Quoted in Smith, 2022)

We have learnt that gambling can play various roles in the lives of those engaged with it. These can be seen as positive, for example, we heard that gambling can be used as a coping mechanism including a means of stress management by providing a focal point to hold things together, or providing a safe space to escape from challenging life experiences or to foster hope of the potential to change life circumstances or overcome financial difficulties not initially related to gambling. It can also provide an escape from social exclusion, including discrimination and can enable people to gain a sense of belonging or community. Another function experienced by research participants was the potential benefits in enabling people to meet cultural or social expectations or personal or familial aspirations and to build self-worth.

“It would be like ... avoidance, escapism, I would lock up [place of work] ... and go straight to the casino. So much so that I didn’t need to actually say my name anymore, they just ... [said] hiya Wendy. I felt like I had become like a fixture.” (Wendy, peer research. Quoted in Trebilcock, 2023)

On the other hand, our research also demonstrates the significant crime-related and other harms caused by and connected to gambling. We identified various points at which gambling can become harmful, for example, this often followed a significant win or efforts to chase losses and impacted on relationships with partners, children and employers as well as the capacity to maintain housing and employment and the impact on health. Gambling can be an unforeseen harm with many involved feeling as though they have it under control and manageable, unlike drinking or using drugs, for example. Gender appears to be an important dimension in these experiences. For women in particular, escalation of gambling often followed a build-up of stress and trauma in the lives of those affected. Some women explicitly spoke about gambling as a form of self-harm and a means to self-destruct (Trebilcock, 2023; Brown et al, 2023). On the other hand, we heard examples of detrimental impacts on physical and mental health, including contemplation of suicide from participants in all our peer research studies.

Impact on mental health

“I really felt like there was two of me. And it was like I would think why are you doing this? You have had the perfect house you know your life was nice so why have you just destroyed it? And it was as though there was something very deep with inside that just wanted to destroy everything, and it is like I didn’t feel as though I deserved anything. I didn’t feel like I should be good at anything.” (Phoebe, research participant. Quoted in Trebilcock, 2023)

Impact on mental health (continued)

“Inside I felt I was dead, I felt there was nothing in me.” (Hannah, research participant. Quoted in Trebilcock, 2023)

“I was very close to committing suicide.” (Mazz, research participant. Quoted in Brown et al, 2023)

We adopted peer research models to facilitate and support people with lived experience to gather research evidence in ethical and respectful ways. This included adopting trauma-informed approaches and creative methods of data collection in an effort to foster trust as well as co-producing the analysis, write up and dissemination of findings. Despite the value of these models we adopted, our commissioned research has shed light on the challenges of reaching people with lived experience of gambling-related crime, in particular in cases which are not reported to the police or where there is no conviction and where those affected are especially vulnerable or have had more troubled experiences. Notwithstanding significant efforts, the researchers spoke to small numbers of people which we recognise may not be illustrative of the heterogeneity of experiences of gambling-related harms and crime across society.

There is a need for a deeper understanding of the experiences of those directly affected by this issue and to continue to build our collective understanding about how best to overcome the marginalisation of some communities in any future research, policies and service development. For example, through our research we have found that both gendered experiences and religious beliefs intersect with cultural experiences and expectations, and that these affect how gambling is viewed, and how support for gambling-related harms may be sought. We heard that for some ethnic minority communities, gambling is a culturally accepted ‘norm’, whereas for others, there is a cultural expectation of abstinence because gambling is forbidden. Many of the women involved in our research placed gambling behaviour within the context of different stresses and traumas in their lives which had become overwhelming. Researchers found it difficult to unpick what was driving the gambling among the various harms they were experiencing which included issues with physical and mental health, financial harms related to housing and employment as well as involvement with the criminal justice system.

Grasping more fully the nature and extent of gambling-related harms amongst those involved in the criminal justice system requires an intersectional analysis that considers various factors such as race, ethnicity, class, culture, religion, migration, immigration status, mental health, and gender, all of which we have found can shape the lived experience.

Recommendations

We have identified a need for further research on:

- The intersection between demographic and social factors including (but not limited to) ethnicity, gender, age, faith and the impact of this on people's experiences of gambling-related harms and crime.
- The inter-generational nature of experience of gambling-related harms and the relationship with trajectories into crime.
- The nature of harms experienced by others affected by crime related to gambling, including the links with domestic abuse and coercive and controlling behaviour.

Experiences of engaging with criminal justice professionals and wider support

When people experiencing gambling-related harms do become more aware of them, we have found that this may not translate into moments of opportunity to seek help for two primary reasons. First, when gambling-related harms become more visible to the individuals involved or the impact becomes acute, participants explained that finding themselves in these circumstances elicits shame. This can in turn exacerbate existing vulnerabilities, marginalisation, and isolation because those experiencing gambling-related harms may not be forthcoming about their involvement in gambling due to these stigmatised identities. Secondly, this is combined with constraints in the availability of existing services and the lack of awareness and/or proactivity of potential signposters and supporters they do encounter, which puts the prospect of accessing timely, appropriate support and treatment which might prevent crime out of reach. We consider this further when considering access to services below.

People experiencing gambling-related harms share the perspective that they are overlooked not only by agencies in the criminal justice system—within which many of those engaged in our research experienced a lack of understanding and support at all stages—but also potential support systems in public health, mental health, and social care. This applies equally to those who were directly involved in crime related to gambling and affected others such as family members and other victims and witnesses. For example, others affected by gambling-related crime felt that they were implicated by criminal justice professionals and seen as 'colluders' in crime, rather than as victims or witnesses. Families told us that they needed support to deal practically and emotionally with the 'fallout' from the crime, which includes debt and other financial issues, relationship breakdown, and legal support to navigate the proceeds of crime process.

Gambling harms- misunderstood and overlooked

“I just plonked myself in reception and said – I need to report a crime. It’s my own crime. And at the start they didn’t really know what to do, but eventually I said that I wasn’t leaving because reception said – Are you sure about this? Do you want to take time and come back? I just said – No.” (Stephen, research participant. Quoted in Smith, 2022)

“The financial institutions treated me like I was complicit in it ... there is not so much as a hardship fund. And actually, you would probably be laughed at if you tried to suggest something like that because it feeds back into that shame and stigma of it, oh well you benefited off it.” (Nic, peer researcher. Quoted in Trebilcock, 2023)

“I think at one point I did say to someone out of sheer desperation ... I wish he had just given me a really hard punch because someone would have had to have intervened ... because the gambling is unseen, it is not known, it is not discussed, that intervention didn’t happen.” (Nic, peer researcher. Quoted in Trebilcock, 2023)

Our research has also highlighted practical challenges in the accessibility of treatment. This included poor experiences of engaging with GPs and counselling services which typically offered generic support, criminal justice agencies not having clear avenues for support, a lack of availability of treatment for the specific needs arising from gambling addiction and harms, the geographical coverage of the dedicated services which do exist and the timeliness of access, with participants experiencing unhelpful waiting times for treatment once they had recognised the need for it (Smith, 2022). There was a strong view among research participants with lived experience and among therapeutic practitioners that treatment for gambling disorder is distinct from drug and alcohol addictions and should not be simply bolted-on to the treatment which already exists for those conditions.

“I went to my GP, and they said they couldn’t do anything for me, and I said – Well I’ve just tried to commit suicide, I have committed crimes. And he said – Are you telling me you’ve got a gambling problem have you got mental health problems? And I said they’re both the same thing. He said that they can refer me for mental health problems, but they don’t do anything for gambling addiction; and I don’t believe it’s changed that much these days, that’s the really worrying thing, if people are presenting themselves to GPs, it’s really important that they’re sign posted to the right places.” (Paul, research participant. Quoted in Smith, 2022).

Once people do access treatment, we heard that it is often time-limited and ongoing access is typically self-funded, meaning that it is only accessible to those with resources. While most participants in our research who had been convicted of offences related to gambling had accessed some form of treatment, usually while awaiting sentencing, this tends to have to be driven intrinsically i.e. they found out what was available, and they took their own steps to access support (Smith, 2022; Trebilcock, 2023). There are also other issues that impede access and engagement with potential treatment or support. First, wider gambling-related harms, for example, the loss of relationships, housing and employment, can make it harder for people to focus on seeking help. Secondly, delays and inconsistencies in prosecution, court hearings and sentencing serve to prolong the harms experienced, and often serve as a barrier to treatment and recovery (Smith, 2022; Trebilcock, 2023).

Impact of criminal justice proceedings on recovery

"[He] couldn't take up the place [on a residential treatment programme] because of the sentencing which again needs to change ... he was just in limbo ... I can access treatment, but I can't because I don't want to start it and then have to go to court but also have that hanging over my head." (Tara, research participant. Quoted in Trebilcock, 2023)

"I mean in prison nothing, nothing as far as gambling is concerned. You know I brought it up if anyone [asked] ... what are you here for? ... And I said I stole money to gamble. Really? You know it was, you can do that? What are you doing here?" (Tracey, peer researcher. Quoted in Trebilcock, 2023)

Lack of co-production

We have heard repeatedly from people who have experienced gambling-related harms and criminal justice stakeholders alike of the importance of services across the criminal justice system being both created with the people with lived experience and communities affected and delivered by them. This is essential to provide authenticity and credibility in messages about reducing harms and to ensure that those with direct expertise are integral to decision-making and strategic policymaking to improve criminal justice practice (Smith, 2022; Page, 2020; Churcher, 2022. See also: GambleAware, undated). This principle should also extend to including the voices of people with lived experience in awareness raising training.

Limited support to families and others affected

There is an equally significant gap in support available to families affected by gambling-related crime. While improving—with some GamCare partners specifically offering tailored support to family members, and advice being available via the GamAnon helpline, for example—such support is not systematically available. Similar to those directly involved, this needs to be readily available when people wish to access it, provided in a non-judgemental manner and some would prefer it not to be linked to the criminal justice system and independent of the individual who has been gambling. We heard that victims and families would value support and treatment services within the community, including cultural community and faith groups. We also heard that support providers need to specifically understand the nature of gambling addiction and the broader impact on families and to also be able to offer practical advice on issues such as visiting prison, debt and managing finances, for example.

Recommendations

- The voices of those with lived experience of gambling harms related to crime including affected others should be integral to the development and delivery of awareness raising training, guidance, and new services to address gambling-related harms in the criminal justice system.

We have identified a need for further research on:

- The experiences of others affected by crime related to gambling and their engagement with criminal justice and public health agencies to better understand the nature of their needs and how professionals can best support them.

3. What should be done?

Context

To date, the cross-government public policy response to preventing and treating gambling-harms related to crime has been limited. For example, in response to a parliamentary question in 2018, the Ministry of Justice stated that gambling was not a risk factor frequently identified in the prison or probation population and that HMPPS could not estimate the number of individuals serving prison sentences in connection with gambling-related harm (UK Parliament, 2018). As we noted in our interim report, the impetus for change is largely coming from those working to prevent gambling-related harms using funding that was provided as part of the Gambling Commission's three-year strategy which ended in 2022 and has not been refreshed.

Progress on reducing gambling-related harms has been in somewhat of a limbo state while waiting for a clearer regulatory environment. In the meantime, the fact that the government gambling portfolio is held by the Department for Culture, Media and Sport—which is responsible for overall gambling policy and the legislative framework—has resulted in a narrowly focused effort to understand and reduce gambling-related harms and a lack of strategic oversight across government, from those responsible for education, health and justice, for example (Commission on Crime and Gambling Related Harms, 2020c). It has been a challenge for this Commission to engage meaningfully with Ministers or senior leaders in the Home Office, Ministry of Justice or Department for Culture, Media and Sport.

Recent coverage of the possible content of the government's White Paper has speculated about further regulatory safeguards that could be introduced, including stricter affordability checks, tighter controls around advertising and marketing, and the potential creation of a statutory levy on operators to provide funding for research and support services. There have also been some suggestions that the scope of the reforms may be broader than the Gambling Commission's regulatory powers and include wider commitments by the government on public health (see for example: Business In The News, 2023; BBC, 2023).

Given this inertia, the latter is essential. There is an urgent need for ownership to be taken to reduce gambling-harms related to crime both at political and strategic policy level and at operational policy and professional stakeholder level. We have been heartened to discover that there is appetite for reform within the police, courts and prison and probation services.

- Gambling-related harm linking to offending was identified as a treatment and resettlement need in the 2021 model for probation reform and there is growing interest from probation areas and prisons to develop routes

to local support initiatives, including pilot schemes developed in collaboration with GamCare.

- His Majesty's Prison and Probation Service is in the process of creating a prevalence survey and developing a policy framework for gambling.
- The National Police Chiefs' Council has endorsed a small number of pilots which are currently being evaluated and the Association of Police and Crime Commissioners has two co-leads who have actively championed with their colleagues the importance of recognising gambling-related harms, including advocating screening by all forces.

While these are encouraging moves to address the existing shortfalls in response, they are currently largely driven by committed, individual champions and due to wider issues with staffing and resources the criminal justice system is chronically underfunded to act effectively on developing a more systematic, proactive approach. There is an opportunity for government to work creatively with the Gambling Commission to recoup some of the estimated excess costs to the system which been calculated conservatively at £167.3m per year (using only the proxy of imprisonment and hence not yet taking into account the costs to policing, victims' services, courts or probation) (Office for Health Improvement and Disparities, 2023).

We have also been struck by an apparent absence of scrutiny within government, by inspectors of government services, and, largely speaking, by Parliamentarians. Both the APPG on Gambling Harms and a House of Lords Committee convened to consider the social and economic harms of the gambling industry considered gambling-related harms and we had constructive discussions with a small number of Parliamentarians who champion their reduction, albeit that crime was a relatively small part of their interests (Commission on Crime and Gambling Related Harms, 2020a and 2020c). On the other hand, as we noted in *State of Play* (Commission on Crime and Gambling Related Harms, 2021d), our requests for the four criminal justice inspectorates (HM Inspectorate of Prisons, HM Inspectorate of Probation, HM Inspectorate of Constabulary and Fire & Rescue Services, HM Crown Prosecution Service Inspectorate) to give evidence to the Commission were all politely declined due to a lack of inspection activity looking at the impact of gambling-related crime across the system.

Recommendations

- Building on the momentum from the Commission's work will require a greater central drive from both Ministry of Justice and the Home Office whose political leaders should signal more clearly their grasp of the problem of gambling-related harms within the criminal justice system and advocate for funding to support a systematic approach.

Recommendations (continued)

- To inform the scrutiny of the forthcoming Gambling White Paper, there would be value in a joint Parliamentary select committee inquiry by Department for Levelling Up, Housing and Communities Committee; Health and Social Care Committee; Justice Select Committee; Home Affairs Select Committee about governance, strategy and cross-departmental expectations and outcomes.
- The oversight of actions to tackle gambling-related harms would benefit from a cross-departmental government focus. We recommend a model like the Deaths in Custody Ministerial Group (membership is comprised of governmental ministers, departmental leads and other organisations) to provide ongoing, incisive scrutiny of progress on protecting citizens from gambling-related harms, including crime.
- There is a need for research to develop a full understanding of the financial costs to society of gambling-related harms to the criminal justice system, not limited to those related to imprisonment.

Access to effective support and treatment

As we outlined above, there are significant gaps in support and treatment for gambling-related harms, including gambling disorder, and clearer care pathways are needed both within and via the criminal justice system (Commission on Crime and Gambling Related Harms, 2021d). As knowledge of the issue of gambling harms related to crime has increased amongst criminal justice services, partly because of our work in raising awareness, there has been an increase in interest in the provision of services within the criminal justice system and new initiatives are emerging. While this is welcome, there is no national policy, no clear leadership, limited coordination and a lack of consistency both in the comprehensiveness of delivery and in monitoring and evaluation. This results in a situation where there is no systematic approach to understanding what constitutes effective support, for whom, or whose responsibility it should be to commission, provide or monitor its impact.

Signposting to services is reliant on knowledge and understanding of gambling disorder and wider gambling-related harms among health and justice professionals and advice charities. Our research suggests that this is typically poor, both generally and concerning appropriate referral routes (Smith, 2022). For example, in custody suites we found that only about two in ten forces screened for gambling-related harms routinely and of the other forces, only half appeared to be aware of the issue. Our research with sentencers demonstrated that they, along with prosecutors and other legal professionals, need training to understand and recognise gambling behaviour, gambling-

related harm and its links to crime and criminality. We also heard that prison governors were unaware of the extent to which crime related to gambling was a problem within the prison population and that there was a near total lack of support available in prisons to address it (Commission on Crime and Gambling Related Harms, 2021d).

Our case studies (see Annex B) illustrate powerfully a range of touchpoints with statutory services that research participants encountered that could facilitate a route out had the professionals concerned had awareness of both the nature of gambling-related harms and pathways for support and treatment and been proactive in identifying and seeking to address them (Smith, 2022). They also demonstrate how stigma and shame around gambling-related harms can inhibit the inclination of people experiencing such harms to acknowledge them and seek help and support. It is therefore important that criminal justice practitioners encourage treatment seeking behaviour, including by exercising care in the language used and the need to adopt supportive approaches to reducing the stigma and increasing treatment-seeking, especially in ethnic minority communities and among women. Similarly, practitioners should recognise the distinction between gambling and other addictions. As we noted above, it is important that approaches to support those experiencing gambling-related harms are different from those for drugs and alcohol support, and although there are undoubtedly opportunities through existing local infrastructure to address these issues, the nature of services developed should be specific to gambling.

Our evidence on the breadth of gambling-related harms also demonstrates the need for responses to gambling-related crime to be part of a cross-government approach which integrates social policy and public health policy responses in addition to criminal justice policy responses. Importantly, there is significant scope for the interplay between gambling and crime, including domestic abuse, to be better recognised amongst health, social care and criminal justice agencies as well as voluntary sector services working in each of these fields. We also found a need for community-led services which can provide support and treatment and offer avenues for practical and social support and the development of social networks to support recovery in settings which feel safe. Measures to understand and address the under-representation of ethnic minority communities and women in contact with support and treatment services are required, including proactive approaches to engagement and staff who can be appropriately responsive to gender, religious and cultural needs. This might include, for example, ensuring that environments are appropriate spaces for women who have experienced domestic abuse and ensuring that existing spaces which support women, like women's centres are able to recognise gambling-related harms.

Recommendations

- A national board should be established to develop and implement a strategic approach to gambling-related harms across the criminal justice system. This should include representatives from the National Police Chiefs' Council, Association of Police and Crime Commissioners, Victims' Commissioner, the Crown Prosecution Service, Sentencing Council, His Majesty's Prison and Probation Service, His Majesty's Courts and Tribunals Service, NHS England and Public Health Wales.
- Specific consideration should be given to how to address the under-representation of women and people from ethnic minority communities in support and treatment.
- Specific consideration should be given to how to support those indirectly affected by gambling-related harms who encounter criminal justice agencies to ensure that they are treated in a non-judgemental and supportive manner, including the provision of practical and emotional support to navigate any ongoing engagement with the criminal justice system and the wider impact of gambling-related harms on their lives.

The commissioning landscape

Addressing gambling-related harms has increasingly become seen as a public health issue and since we commenced our work, activity has focused on establishing a National Gambling Treatment Service, delivered by multiple providers, providing free confidential treatment and support for those experiencing harm, both for those who gamble and those affected by their gambling. The Service comprises a National Gambling Helpline, GamCare and a network of partners delivering confidential advice and support services, including primary care and residential treatment. When an individual makes contact with the network, providers work together from the referral to delivery to establish the most suitable care package for that individual. Specialist treatment is also provided by NHS England which currently operates seven clinics, with a commitment to there being 16 such clinics by 2024 (NHS England, 2019).¹ Work is also underway by the Welsh Government to develop and deliver a specialist gambling treatment service in Wales (Senedd Cymru, 2022).

The development of these nationwide support and treatment options has begun to open up the possibility of a strategic approach to developing clearer and stronger care pathways for gambling-related harms across the criminal

1 The NHS England Mental Health Implementation Plan announced 15 new clinics; at the time of the announcement there was only one clinic.

justice system. Over the course of our work, we have become aware of a small number of existing initiatives linked to the police, courts and probation which are seeking to acknowledge the links between gambling-related harms and crime and to support people experiencing gambling harms related to crime. These have largely been funded via mainstream grants—i.e. from GambleAware and GamCare to partners—with some additional funding streams secured from the Gambling Commission for specific projects. These are detailed in Annex C.

As well as the gaps in treatment and support for people engaged in the criminal justice system we have identified above, there is wider evidence that far fewer people are accessing gambling treatment services than potentially need them. There is recognition by GambleAware that mobilising services to meet support and treatment needs requires culture change, including a presumption of there being ‘no wrong door’ and an expectation that services will be human-centred and co-designed with people affected by gambling-related harms and people working to reduce those harms (GambleAware, 2022). Both large voluntary sector organisations working in this space, GamCare and GambleAware, are committed to developing their role in the criminal justice system, through increased collaboration, coordination and learning to inform the planned new models of delivery at local and regional level and the need for more research at national level. The challenges of lack of capacity among criminal justice professionals and funding within the justice system should not be under-estimated and we are in no doubt that this will require significant additional investment.

In anticipation of changes to the commissioning landscape stemming from the review of the Gambling Act, GambleAware has recently redefined its role from being a grant funder to becoming a strategic commissioner of services and has developed a vision for the future national service, a new commissioning model—comprised of regional alliances—and an outcomes framework setting expectations for people accessing services. Provision will include a refreshed, multi-channel national helpline, services to meet regional needs and increased residential treatment programmes. It is important to note that the funding landscape whereby services and research are commissioned using resources which stem from voluntary levies made by gambling operators is seen as problematic by some providers, an issue which we hope to see addressed by the government in the White Paper.

Working in partnership

In addition to the need for collaboration at national level, there is a recognition under the new commissioning model that it must be responsive to local need, intervene early, recognise the role of communities in providing support, and be accessible to individuals at any point in their journey. There is also an acknowledgement that services will need to be well-integrated with local systems, including non-gambling-related services.

Local partners

To ensure effective integration of initiatives for gambling harms related to crime within local structures and commissioning frameworks we consider that it will be important to include the following stakeholders:

Local authorities

Local authorities have an interest in gambling-related harms through their licensing duties to permit gambling in local venues but their role in tackling gambling-related harms as part of their public health and wellbeing remit is largely under-developed. For example, while they must have regard to the need to improve the take up of, and outcomes from, drug and alcohol misuse treatment services, there is no equivalence in relation to gambling treatment services. We welcome the fact that some local authorities have used scrutiny to enhance their understanding of local gambling-related harms, for example, through mapping risk and vulnerability in health needs assessments, through collaboration with partners in preventing and addressing gambling-related harms by commissioning local services, and to evaluate and improve such efforts (Centre for Governance and Scrutiny, undated). Larger scale public health initiatives are currently being planned in Yorkshire and Humber and the North-East of England but it is not yet clear how criminal justice agencies will intersect with them.

Police and crime commissioners

Police and crime commissioners (PCCs) are responsible for identifying local police objectives for their area, for commissioning crime reduction and victim support initiatives (including police and court diversion, restorative justice and drug and alcohol treatment). They also have responsibility for bringing together community safety and criminal justice partners, to make sure local priorities on crime are joined up, including convening local criminal justice boards. Some PCCs and police forces have begun to adopt strategic approaches to identify people in contact with the police who are experiencing gambling-related harms and seek to support them. One PCC is implementing the gambling workplace charter to raise awareness of gambling-related harms among employees.

Local partnerships related to crime

Various existing partnerships are already established to consider local issues related to crime and crime reduction. These vary by locality but include partnerships focused on community safety, crime reduction, reducing reoffending, and serious violence reduction, for example. The recently introduced serious violence duty includes responsibilities for assessing local needs related to domestic abuse and taking action to reduce it which could usefully include a focus on gambling-related harms.

Health commissioners

NHS England Health and Justice

Separate arrangements are in place for NHS regional commissioning of healthcare within secure and detention settings, which includes prisons, secure facilities for children and young people and police and court Liaison and Diversion services, at an equivalent level to mainstream services. The latter identify people who have mental health, learning disability, substance misuse or other vulnerabilities when they come into contact with the criminal justice system as suspects, defendants or offenders. There is only one NHS commissioned service for gambling within such settings, a pilot providing staff training and individual or group-based support which has been running in Surrey prisons since 2020 and which is currently being evaluated. NHS England is also responsible for the provision of the healthcare element of mental health treatment requirements which can be attached to community sentences and suspended custodial sentences and Reconnect, a service to support vulnerable people when they leave prison custody.

NHS England Integrated Care Systems

Partnerships which bring together NHS organisations, local authorities and others to take collective responsibility for planning local services to improve health and reduce inequalities have recently been established. These should have a role to play in understanding and preventing the negative impact of gambling harms related to crime for children and affected others.

Welsh Government and Public Health Wales

Responsibility for healthcare in Wales, including in public sector prisons, is devolved to the Welsh Government. This is delivered by Local Health Boards which commission and deliver local health services in Wales and Public Health Wales which plays a role in providing public health services to protect and improve health and wellbeing.

Recommendations

- People who have become involved in crime related to gambling need access to mainstream gambling services as well as to specialist services or initiatives within the criminal justice system which are designed to address specifically the links between gambling and crime. The latter should include police and court diversion schemes and programmes within probation services and prisons. Developing appropriate pathways and support methods will require a national strategic approach, including a unified means of piloting, monitoring and evaluating responses.

Recommendations (continued)

- GambleAware should consider including regional health and justice commissioners, HMPPS regional leads and Police and Crime Commissioners in regional partnership boards.
- Police and Crime Commissioners and Regional Health and Justice Coordinators should be provided with resources from Gambling Commission revenues to fund work locally and regionally to develop a treatment and support infrastructure through the police, courts and prisons that seeks to reduce crime related to gambling.
- Additional resources should be made available from Gambling Commission revenues to probation services to extend the local Health and Justice Partnership Coordinators initiative, currently being introduced by HMPPS, to ensure that there is sufficient capacity for them also to develop appropriate pathways to support people experiencing gambling-related harms both leaving prison or engaged with probation services.

The role of criminal justice agencies: police, public prosecutors, courts, prisons and probation

In addition to there being clear, formal pathways into treatment, progression into support services will require a much greater appreciation of gambling-related harms amongst criminal justice practitioners and clarity about their respective responsibilities for recognising those affected. We have found that assumptions have been made by criminal justice practitioners that there are low levels of crimes related to gambling, but this may be partially explained by the fact that questions about the link are not asked routinely.

We identified in *State of Play* a need across the criminal justice system to raise awareness of gambling-related harms, take steps to identify them, and to develop both guidance and training for criminal justice professionals (Commission on Crime and Gambling Related Harms, 2021d). For example, our research with the police and with sentencers illustrated the scarcity of screening for gambling-related harms and addiction in police custody suites and courts and we recommended the introduction of systematic screening for gambling issues and service referral processes across the criminal justice system (Churcher, 2022; Page, 2021). In probation services, we found that while probation practitioners could have a role to play in identifying gambling-related harms and highlighting them in reports to the court, the information they currently gather is insufficient (Page, 2021). The assessment which is completed at this stage does not specifically ask about gambling, except regarding debt management, so related harms are not likely to be identified unless they are obviously or directly linked to an offence or are disclosed by

individuals in consideration of other issues covered in the assessment, for example, impulsivity, money worries, expenditure, or lifestyle.

Across our research studies we have identified significant scope for further work within criminal justice agencies including:

Policing

- Staff in custody suites providing support with arranging legal representation, phone calls, health care and signposting to services.
- A role for PCCs to encourage local criminal justice partners to gain awareness of gambling-related harms and their link to crime to take up existing free gambling awareness training.
- Using interest and scrutiny from PCCs to motivate activity by Chief Constables of police forces (Commission on Crime and Gambling Related Harms, 2021b).
- Opportunities for joint commissioning between PCCs and NHS England and Public Health Wales, including the creation of clear referral pathways to support and treatment options which do not require a formal police response, for example, through liaison and diversion schemes and for the adoption of restorative justice practices, outside of the criminal justice system, to reduce the need for future criminal justice involvement (Commission on Crime and Gambling Related Harms, 2021b).
- A greater emphasis on diversion from the police and courts, including exploring the role of out of court disposals, the potential for specialist interventions to be commissioned.

Prosecution, courts and sentencing

- Support to address practical problems faced by defendants and affected others, including forthcoming court cases, the possibility of a prison sentence, the practical challenges of losing a home, and a need to re-build relationships.
- Greater clarity about the role of the legal profession in understanding gambling-related harms and a review by the Sentencing Council of the implications for sentencing guidance/mitigation.
- The potential use of gambling courts which have been established in some areas of southern Australia and the United States, notably in New York State and Nevada. These aim to address offending related to gambling through therapeutic intervention combined with suspended sentences with an emphasis on diversion (Page, 2021). While there is limited research into their benefits, there is some evidence that they can reduce recidivism and related learning from drug courts which operate on a similar model suggests they could be beneficial.

Probation

- The need for both probation assessments (which inform probation practice) and pre-sentence reports drawn up by probation officers (which inform sentencers) to include explicit consideration of gambling-related harms.
- The potential role of Health and Justice Partnership Coordinators which are being recruited in probation regions by 2024/25 to ensure that clear pathways into treatment for drug and alcohol harms and mental health are in place for those leaving prison, many of which are already in post (Ministry of Justice, 2019).

Prison

- HMPPS reassessment of gambling in prisons to address gambling-related harms within prison culture including violence and debt.
- Co-design of prison gambling strategies and cultural workshops, including support on using gambling effectively and safely and an emphasis on providing access to meaningful work in prisons to replace gambling as an activity.
- A potential role for family teams connected to prisons to support affected others and to consider how they could enable families affected to support individuals preparing for release to move forward in their recovery post-custody.

Post-release

- Ensuring that NHS England's Reconnect support which is being developed for people with 'health vulnerabilities' leaving prison custody covers gambling-related harms.
- The need for aftercare services and social support networks, including peer support, once initial counselling to work towards recovery from addiction has finished.
- The severity of gambling behaviour is a significant predictor of increased risk of further crime (April and Weinstock, 2018). An important element of recovery for people who have engaged in harmful gambling is hence finding ways to fill the time that was previously spent doing it. This emphasises the need for criminal justice professionals who support rehabilitation to have a particular focus on how to support access to education, legitimate employment, and other constructive activities, for example, related to health and wellbeing.

Our policy levers chart (see Annex D) depicts potential opportunities across the criminal justice system where there is scope for action by statutory agencies and those governing them to promote activity to recognise and address gambling-related harms.

Recommendations

- There are multiple points within the criminal justice process at which both screening and assessment processes and guidance and training to raise awareness among practitioners should be developed.
- Training should be co-produced with people with lived experience and should raise awareness of the nature of gambling-related harms and the prevalence of such issues related to crime and consider how best to support people with disclosure of gambling-related harms.
- There are various opportunities for improving access to mainstream services and for the commissioning of specialist services. This should include gambling-related harms being covered in services commissioned at the intersection between public health and justice including, for example, the NHS England service specifications for both Liaison and Diversion services, and Reconnect. In addition, HMPPS should work with NHS England, Public Health Wales and Police and Crime Commissioners to develop clear through-the-gate support routes and pathways for community-based support that are aligned to suspended sentences, community penalties and sentences, and prison sentences and can continue to be accessed once community orders or post-custody supervision ends outside the criminal justice system.
- We welcome HMPPS plans to develop a Framework policy and recommend that this includes:
 - Adapting OASys to include the introduction of gambling screening questions within the wellbeing section;
 - Identified routes for probation officers to signpost to clinical assessment by therapeutic professionals where screening indicates a potential addiction;
 - Where gambling-related harms or potential gambling addiction are identified, mandating the completion of pre-sentence reports by probation officers to advise the court on appropriate sentencing options which include support and treatment pathways.

There is scope for further research on:

- The implications of gambling-related harms, including gambling disorder, in terms of prosecution practices, the culpability of people experiencing them and related sentence mitigation.
- What constitutes effective prevention or early action to prevent people experiencing gambling-related harms from becoming involved in the criminal justice system.

Recommendations (continued)

- What constitutes effective support and treatment for those involved in the criminal justice system including within police and court diversion schemes, community sentences and in prison. This should include testing the value of peer support models.
- What constitute appropriate outcome measures for support and treatment for people involved in the criminal justice system.

Sentencing

Gambling disorder is a relatively infrequent factor in criminal cases which come before the courts in England and Wales. The magistrates we surveyed were asked about their encounters with ‘problem gambling’, and just over 54 per cent said it had never come up in a court hearing (Page, 2021). As we noted above, however, our research has demonstrated that gambling-related harms are likely to feature in a much wider range of offences and may well be hidden. These may well not become apparent during court proceedings, partly due to a lack of awareness by legal professionals, probation officers advising the court and sentencers (Page, 2021).

“I don’t feel the lawyers had any clue what gambling disorder is; they didn’t understand it and they couldn’t grasp it really. They were gobsmacked by the amounts of involved – How have you managed to do this?” (Dan, research participant. Smith, 2022)

We have found that there is scope for far greater consideration of the nature of gambling-related harms, including gambling disorder, in criminal court processes and within existing sentencing options, in contrast with approaches towards drug and alcohol-related crime which are already better recognised. In relation to gambling-related crime specifically, as well as the crime being driven by a potential mental health disorder, there are additional aspects which must be taken into account and where prosecutors and sentencers could exercise a greater degree of discretion (which has been recommended by the Law Commission in relation to the application of POCA discussed below). This includes:

- the fact that for many there has been no previous involvement with the criminal justice system;
- the speed with which gambling can escalate and lead to the accumulation of sizeable stolen funds which would typically trigger a harsh criminal justice response; and
- the culpability of others involved.

We recommended in *State of Play* (Commission on Crime and Gambling Related Harms, 2021d) that the Sentencing Council should consider what improvements could be made to sentencing guidelines to ensure that gambling disorder is appropriately dealt with by sentencers.

In relation to mitigation, there are two potential elements which in our view the Sentencing Council must consider. First, whether the defendant has a gambling addiction and secondly, the implications for culpability of a gambling operator or bank's failure to safeguard people who had become vulnerable because of their gambling. For example, there is an opportunity to consider these matters in offence specific guidelines and to revise the overarching sentencing guideline which covers mental disorders to include gambling disorder alongside substance use disorders (Sentencing Council, 2020). Similarly, the equalities guidance for sentencers makes numerous references to substance use but does not mention gambling (Sentencing Council, 2021). Related to this, we found that defence lawyers are currently unlikely to raise gambling in court in mitigation. Changes to guidelines would automatically generate greater attention by legal professionals to gambling-related harms (Page, 2021).

In recognition that there was uncertainty amongst sentencers of their powers in respect of gambling-related cases, the Sentencing Council could also provide guidance on appropriate assessment—including obtaining psychiatric or medical evidence of gambling addiction—and sentencing options. It stands to reason that fines should not be considered as appropriate sanctions in such cases, indeed the sentencers involved in our research themselves saw them as problematic and wished to see therapeutic interventions instead being made available to the courts (Page, 2021). An example of this are drug and alcohol treatment requirements which can be attached to community sentences.

We have identified a range of other sentencing options which could usefully be applied to crimes related to gambling within the scope of existing sentencing powers:

- Deferral of sentencing for up to six months to enable addiction or mental health treatment prior to sentencing (Powers of the Criminal Courts (Sentencing) Act, 2000).
- Use of suspended sentences as alternatives to immediate custodial sentences to enable addiction or mental health treatment.
- Use of requirements attached to community sentences or suspended sentences could be tailored to support people experiencing gambling-related harms to access treatment and support programmes.
 - Community Sentence Treatment Requirements (CSTRs) are currently available to address mental health needs which could be used to address gambling disorder.

- Rehabilitation Activity Requirements (RAR) can provide time for structured interventions designed to meet a need identified to facilitate an individual's rehabilitation.
- Inclusion of treatment within parole or post-sentence licence conditions for people under probation supervision following release from custody.

Recommendations

- The Ministry of Justice should pilot and evaluate the use of existing sentencing options for gambling-related crime to examine their benefits and examine whether the existing legislation is sufficient to recognise and support gambling-related harms.
- The Sentencing Council should consider what improvements could be made to sentencing guidelines to ensure that gambling disorder is appropriately dealt with by the courts, including on culpability (and related mitigation), mental disorders, and in relation to appropriate sentencing options.
- The Judicial College should consider revising the Equal Treatment Benchbook to ensure that it is reflective of differential experiences of gambling disorder, alongside its current consideration of drug and alcohol use.
- HMPPS policy framework should include guidance on appropriate pathways for people experiencing gambling-related harms to support probation officers who provide advice to court on sentencing options.

The assets confiscation regime

Alongside the sentencing process, gambling crimes related to misappropriation of funds are subject to proceeds of crime considerations. The Proceeds of Crime Act 2002 currently treats people whose gambling is instrumental in their offence—who typically exhaust all the resources they have acquired through crime on their gambling—and those who make large criminal financial gains through drug crime or people trafficking, for example, in the same way. In our interim report *State of Play*, we summarised our evidence on this and drew attention to the fact that this can result in individuals and/or their families having to find money which does not exist to repay the estimated gains, over long periods of time, and the potential for such significant debts to have perverse impact on prospects of rehabilitation by limiting the capacity to earn and the issue of further sanctions, including imprisonment, if the payments are not maintained (Commission on Crime and Gambling Related Harms, 2021d. See also; Smith, 2022).

At that time, we had submitted evidence to the Law Commission's review of the relevant legislation about the potential unfairness of the regime for the small number of confiscation proceedings that are applied to cases related to gambling and called on the Law Commission to consider whether there is scope for greater discretion to be exercised (Howard League for Penal Reform, 2021). In particular we highlighted:

- the lack of material benefit of such offences as stolen funds are typically ploughed straight back into gambling or to pay off existing debts which arose from gambling;
- the impact of the confiscation regime on secondary victims—because there are no other realisable assets—which in effect places the financial penalties on the families until the 'debts' are paid, which may well be lifelong;
- the risk that having significant, seemingly insurmountable debts to pay in cases of gambling addiction would incite further offending, contrary to the legislation which places an obligation on prosecution authorities to exercise their powers in a way "best calculated to contribute to the reduction of crime"; and
- the fact that there is wider culpability for gambling-related crimes reflected in expectations about the social responsibility of gambling operators and banks and their legal obligations to detect and prevent money laundering which are investigated separately and seemingly not taken into account in confiscation proceedings, partly due to differences in the timings of the various processes.

In November 2022, the Law Commission made various recommendations to seek to ensure the fairness of the confiscation regime, some of which may have relevance to cases related to gambling disorder and which we welcome. These include, for example, alterations to the statutory objectives of confiscation including removing punishment as an objective, measures to ensure earlier resolution of confiscation proceedings, confiscation amounts which better reflect the benefit gained, greater judicial discretion to the application of 'criminal lifestyle' assumptions, and measures to address the 'life-sentence' of judgments including making them time-limited or providing for them to be "put into abeyance" (Law Commission, 2022).

There appears to us to remain a challenge with the relationship between the Gambling Commission's proceedings to investigate failures by gambling operators where crime has occurred which includes the recovery of stolen money and the confiscation regime which the Law Commission proposes speeding up. The former process typically takes time, and it is therefore unlikely that the liability of the operators and amount of compensation owed to the victim will be determined prior to decisions about asset confiscation or judicial decision-making on sentencing. If the outcome of the Commission's investigation is that the operator was even partially at fault, then this may be a mitigation for sentencing. If the outcome was that the operator was in receipt

of the proceeds of crime, rather than the individual, then the POCA penalty should be reduced or nullified to account for this. Without an agreement between the police, the Gambling Commission and the Crown Prosecution Service about a collaborative approach to the treatment of such cases, it appears to us that there will continue to be a situation where a partial view of accountability is adopted which potentially undermines the fairness and validity of the various proceedings.

Recommendations

- Specialist support is required for families who are affected by POCA hearings. This should include readily available free of charge legal services.
- When considering the Law Commission's proposals on the Proceeds of Crime Act and drafting any resulting legislation to change the confiscation regime, the Home Office should consider the distinct complexities of applying POCA to gambling-related crimes.
- The Home Office and the Gambling Commission should monitor annually the impact of any changes which are adopted in legislation on those affected by gambling-related harms.
- The Crown Prosecution Service should create guidance for prosecutors on the use of POCA in cases where the offence stems from gambling-related harms.
- The Gambling Commission must review how its processes account for compensation having already been paid to victims through the statutory process of confiscation following criminal proceedings and should ensure that compensatory funds from operators are allocated to support for people experiencing gambling harms related to crime.

Prison culture

Another focus of our research has been prison culture. While gambling is not officially permitted in prison, research evidence and our early conversations with people who had committed offences because of gambling disorder indicated that gambling is a part of prison culture and that this could itself cause, exacerbate, or lead to relapse of a gambling addiction (Williams and Hinton, 2006; The Forward Trust, 2020; Commission on Crime and Gambling Related Harms, 2020b). We commissioned some peer research to shed some further light on this issue and found that gambling activity in prison is normalised, widespread and diverse, accessed by both residents and staff (Lewis and Best, 2023). Though surrounded by a degree of secrecy, it was often seen in a positive light with limited staff awareness of the ways in which gambling activity in prison could be problematic and even if gambling was recognised by staff, it was often left to continue.

Pervasiveness of gambling in prison

"I think on the wings which are calm and quiet, staff close their eyes and ignore it, even though it is forbidden. I was on an enhanced wing where everybody was well behaved and not causing any troubles, so there we had all kinds of gambling" (Prison staff member, research participant. Quoted in Lewis and Best, 2023)

"... some (staff) turn a blind eye, as long as you can pay you can do it, if you gamble and you ain't got the money or stuff to pay and report to staff, they will say it's your fault unless there's a bullying issue." (Resident, research participant. Quoted in Lewis and Best, 2023)

Our research identified that people's relationships with gambling in prison could be encapsulated in four themes: the need to feel; engineering freedom; survival; and meaningful relationships. These illustrate the various functions that gambling can play in prison, for example, providing opportunities to experience joy and meaning within prison life, including engineering feelings of freedom and building communities by underpinning friendships and fostering belonging, connection and validation, as well as operating as a means of survival. While for some gambling activities felt safe and a good means of managing time, wider gambling-related harms were also very evident, largely comprising financial harms which are instrumental within the culture of prison life and its subcultures. Gambling is closely linked to the generation of informal currencies which ranged from money to material goods, including food, to acts of service. The debts which arise as a result can in turn lead to serious acts of bullying, ostracising behaviour, manipulation and violence. Such debts can also be inherited from previous occupants of a cell or from a cell mate. Other detrimental effects include impacts on mental health and other vulnerabilities, including living in persistent fear and the dismantling of coping mechanisms, for example, feelings of loss of control/powerlessness and loss of connection.

Nature, purpose and impact of gambling in prison

"Everyone is surrounded by gambling ... there's nothing better to do" (Resident, research participant. Quoted in Lewis and Best, 2023)

Nature, purpose and impact of gambling in prison (continued)

“... on the football everyone had to put a pound of value in before they got their numbers ... it had to be a usable pound of value; shower gels or food ... not a pound of rubbish.” (Resident, research participant. Quoted in Lewis and Best, 2023)

“I haven’t gambled in jail, but I have seen it happen ... it looks like it can be fun, but it can also lead to violence.” (Resident, research participant. Quoted in Lewis and Best, 2023)

We heard that, aside from the current lack of support opportunities in prison, the prevailing culture of gambling in prisons mitigates strongly against recovery for those experiencing gambling-related harms, which signals the importance of greater recognition and ownership by HMPPS of its role within prison life. In addition, we found that speaking up about these challenges would mean admitting to gambling illicitly within prison (Commission on Crime and Gambling Related Harms, 2020b). We also encountered a fear that doing so would mean that gambling activities would be prohibited and a risk that they would be driven underground.

Gambling in prison- impact on rehabilitation and recovery

“I used to gamble excessively on poker, it was a serious habit and I found it hard to break the cycle in prison.” (Resident, research participant. Quoted in Lewis and Best, 2023)

“It can be a distraction. It can also be a hindrance because you are in debt, and you are not thinking about sorting your life out. You are thinking about how to get out of this situation. When it becomes problematic, then that’s when it would affect your rehabilitation.” (Resident, research participant. Quoted in Lewis and Best, 2023)

“... They are going around doing a sweepstake giving everybody two horses out of a hat and charging £2.00, and I said I didn’t wanna do it, but that was messing up the numbers because it would mean that two horses were left in the hat; so, there were a couple of people that reacted quite aggressively; almost threatening.” (Thomas, research participant. Quoted in Smith, 2022)

Gambling in prison- impact on rehabilitation and recovery (continued)

“... Gambling was absolutely rife from pool tables cards to FIFA; all the different things that you can gamble on... I worked on the gardens, for a bit, and almost everybody that worked on those gardens had a gambling problem, there was about ten lads who were on it, and they’re all just saying – It’s terrible this. They were gambling on which cow, there was a farm, they were betting on which cow was going to sit down next; literally betting part of their weekly shopping budget on which cow would sit down next.” (Paul, research participant. Quoted in Smith, 2022)

Participants in our research proposed that both prison residents and staff would benefit from resources to raise awareness of gambling-related harms in prison, strategies for managing them and collective action to reduce harms and develop a recovery culture. Suggestions included better understanding how debts and violence relate to gambling and how effectively they are responded to, developing peer mentoring schemes and the creation of a film about gambling-related harms to be played on induction for officers and residents, for example.

Recommendations

- HMPPS must, as part of its forthcoming policy framework on gambling, recognise the nature of gambling in prison and consider how best to achieve cultural change on gambling within prison environments which will be essential to prevent gambling-related harms in prison and foster recovery for those experiencing them.
- Further co-produced research should be commissioned in collaboration with HMPPS to understand more fully the impact of gambling on prison culture, violence and interaction with staff and to develop appropriate collective initiatives to recognise and reduce gambling-related harms in custody.

4. Wider observations

Our findings have raised fundamental, wider questions which are broader than the scope of our work. These include how society can realistically prevent inter-generational harms related to crime, including domestic abuse, prevent crime stemming from gambling-related harms and foster cultural change in the context of pervasive, normalised gambling and advertising and the proliferation and widespread availability of gambling products. We make some observations and recommendations in partial response to these issues insofar as they are relevant to gambling-related harms linked to crime.

Public education

We found that people who have experienced gambling-related harms wished to see improved awareness across all elements of society, so that there is better understanding of the complexities of gambling and crime-related harms, the nature of gambling addiction, and the need for improved treatment and support across the criminal justice system, and more broadly (Smith, 2022. See also: Commission on Crime and Gambling Related Harms, 202c). Suggestions included the provision of public health education to promote greater awareness of parents, peers, schools, colleges and universities, through educational establishments, sports venues, employers and cultural or religious venues, for example.

As part of its gambling harms strategy, the Gambling Commission funded a series of education programmes for priority groups, including army personnel and school and university students, for example. There do not appear to have been any programmes specific to people involved in the criminal justice system as a cohort which might be particularly vulnerable to gambling-related harms (Gambling Commission, 2023). More generally, there appears to be an opportunity to ensure that crime is included as a gambling harm in broader information campaigns. For example, there is no mention of crime in a national education programme created for children and young people (Gamble Aware, 2019); neither was crime covered in the National Student Gambling Survey (Ygam and GAMSTOP, 2023).

Recommendations

- Future public education campaigns, targeting both the general population and specific communities, should include reference to the links between gambling and crime.
- Research commissioned to understand the nature and prevalence of gambling-related harms amongst specific communities, such as student surveys, should include questions which would enable them to examine the relationship with crime.

The role of employers

While participants in our research did not wish to place blame on their previous employers who, for many, had been the victims of their offences, they identified opportunities for employers to develop stronger safeguards to prevent and intervene, including the provision of additional support to employers and employees with regard to effective HR processes (similar to those in place for drugs and alcohol) and robust auditing and guidance about potential actions should an employer become a victim of gambling-related financial crime, including claiming from insurers where appropriate, informing the Gambling Commission so that they can decide whether to instigate an investigation, and managing any PR-related challenges. A charter to reduce gambling-related harms in the workplace has been developed to provide a framework for employers who wish to support their workers experiencing gambling-related harms (Beacon Counselling Trust, 2020). The Police and Crime Commissioner and police force in Durham are in the process of adopting this, for example.

Gambling Regulation

The Gambling Commission has two licensing objectives related to crime:

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
2. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Gambling Commission has, as is its statutory remit, largely focused on reduction of crime through the regulation of gambling operators and by encouraging industry bodies to raise standards to ensure protections and controls are in place to properly manage and minimise the impacts of gambling-related crime. The industry has, in turn, taken some steps to limit opportunities for people to use resources gained illicitly to gamble, some voluntarily, others less willingly. These have included, for example, source of funds and affordability checks and limiting VIP schemes.

The Gambling Commission receives regular referrals from police and courts which facilitates regulatory action against operators for breaches of their license conditions but there is little transparency about the value of fines against operators related to crime and whether the Commission is able to identify any trends.

We found that having experienced the impact of operators failing to safeguard their customers adequately, people who had experienced gambling-related harms felt very strongly about the need for tighter regulation in the gambling industry to prevent escalation of gambling addiction and crime. They saw scope in particular for further strengthening safeguards related to the consistency and thoroughness of affordability checks, the ease of obtaining

multiple accounts across providers, the longevity of protections provided by self-exclusion software, and the offer of incentives through both VIP schemes and ‘free’ spins and credits to online accounts designed to perpetuate gambling behaviours and failures within face-to-face venues to monitor significant spends. While our Commission has been running, the Gambling Commission has rightly taken steps to strengthen existing safeguards. We also heard that there is scope for more stringent penalties, for example, license suspensions for gambling operators who are subject to frequent large fines which should be seen as a pattern of misconduct (Commission on Crime and Gambling Related Harms, 2020c). Some operators are committed to reducing gambling-related harms and are themselves taking steps to understand, detect and monitor gambling behaviour that might be indicative of risk and/or crime, including through use of research and technology (Commission on Crime and Gambling Related Harms, 2021a). There remains a need to review transparently the extent to which the steps taken by the Gambling Commission including fines, sanctions and the regulatory regime and the safeguards implemented by gambling operators are sufficient and how they impact people experiencing gambling harms related to crime and support those trying to recover.

Diversity of gambling products

Participants in our research felt that the range of gambling products had featured in the development of their gambling addictions. This included the straightforwardness of online gambling, which can be accessed 24/7 through smart phones, the accessibility of fixed odd betting terminals, and multiple methods of gambling available within gambling and non-gambling venues (Smith, 2022). There is scope for further research to explore the impact of the proliferation of gambling products, their widespread availability and how different products are consumed on crime as well as links between different types of gambling product and crime.

Accessibility of gambling

“But online is so easy, literally I could be doing it now whilst I was here talking to you, I could do with her [wife] sitting opposite me on the sofa, when she’s putting my daughter to bed and she’s falling asleep; it was just so accessible, so easy, is like an illusion the number in the top corner, your balance and when you’re depositing money it’s like it’s not real, and it was worse than ever online; it was just so easy to do, and you can do it 24 hours a day seven days a week, that was the beauty of it I suppose.” (Tony, research participant. Quoted in Smith, 2022)

Accessibility of gambling (continued)

“Twenty-four hours later you’re still gambling when you’ve not had sleep. You know you’re taking your phone, like, to the toilet when you should have gone to the toilet two hours before. You know you should have had a couple of coffees in between but it is like you just screwed you can’t ... and it doesn’t seem like your money online, I am not lying it is not real, it is monopoly money, you can’t see it, you can’t feel it, you think ... then when you get out of that world that is when you think no bread, got no milk ... You just feel guilty and think ... how stupid am I?” (Dawn, research participant. Quoted in Brown et al, 2023)

“And of course, now accessibility is everywhere so I think what we’re going to see is a whole generation of individuals who are starting to experience these types of problems at a much earlier age, and it is going to affect even more demographics than historically we have been used to.” (Barry, stakeholder. Quoted in Brown et al, 2023)

“The influx of bookmakers just popping up on the high streets, you know seven, eight, and nine, ten bookmakers on a couple of high streets. That is not by coincidence from my opinion, that is you know targeting, that is targeting certain demographics...” (Chris, stakeholder. Quoted in Brown et al, 2023)

Advertising of gambling products

The pervasiveness of advertising in sport, including sponsorship on television and on social media was repeatedly raised as a factor in gambling-harms related to crime by participants in our research studies including individuals with lived experience and sentencers (Smith, 2022; Page, 2021). We heard how this can undermine the efforts of those experiencing such harms to manage their gambling as well as the triggering effect it can have for people working towards recovery (Smith, 2022; Commission on Crime and Gambling Related Harms, 2021a).

Pervasiveness and impact of advertising

"It's not just your TV and radio, its social media, everything, email, spam; it's absolutely relentless. On my social media, you get promotion tweets. I still get gambling ones put up. You can say you don't like it and don't want to see this, but I am of the opinion that if you do that, two more pop up. It's like a wild west. They definitely should tighten up regulations, if I want to watch a football match, literally just before the game, they will cut off for a five second advert. First thing at half time, gambling advert. At the end. Even a lot of like previews of a match, the actual tv channel will give you the odds of the game, and it's just become part of the sport. It's just too much." (Paul, research participant. Quoted in Smith, 2022)

"If they had put a sign you know like they used to do on cigarette boxes, if they had put a sign saying something along the lines of if you are stealing in order to fund this activity, this is where you will end up with a picture of a cell. Maybe that would have made me seek help earlier, who knows? But there is nothing like that." (Tracey, peer researcher. Quoted in Trebilcock, 2023)

"I am actually really embarrassed about the fact that with 20 years of experience, I have never genuinely thought about gambling as an addiction in the sense that we do with alcohol and drugs and yet I have been bombarded by ... you know the bingo adverts you see on the TV, the betting, you know the betting sites and stuff like that." (Peter, stakeholder. Quoted in Brown et al, 2023)

The Gambling Commission has updated the guidance for the advertising of gambling with specific reference to advertising not being made appealing to young people, and the need for consent in relation to direct communications containing gambling advertisements (Gambling Commission, 2021). In addition, gambling advertisements during some sporting events have been reduced or removed. For example, betting ads on ITV were cut by 47 per cent during Euro 2020 compared to the 2018 World Cup (ITV data cited by iGB, 2021). Participants in our research and others wished to see regulation restrict this further, with adverts pertaining to gambling promotion stopped. There were also concerns about the nature of existing 'safer gambling' adverts which individualise accountability by promoting 'responsible gambling' and self-control and neglect diversity of experience, including cultural taboos. There have been calls for such messages to be replaced by those that provide more explicit warnings about the potential consequences of gambling, including crime, like those used for tobacco products, for example.

The role of financial services

Participants in our research also felt that financial services have a greater responsibility to prevent crime related to gambling. For example, banks are able examine transactions being made and can track patterns such as pay day loans, large and frequent deposits, fraudulent accounts and credit cards, and spending on gambling (Commission on Crime and Gambling Related Harms, 2020c). We have not explored this in any further detail as part of our work but consider that this is an area where there is scope for further research.

The role of financial services

“We go to people for money, the banking industry, anyone who lends like any payday loans or and your workplaces where you go to get the money from so I feel like these should be responsible for helping with a solution right so we have got to follow the money, whose involved in the money? Banks, lenders, workplaces.” (Wendy, peer researcher. Quoted in Trebilcock, 2023)

“There’s a thing about banks as well because [husband] obviously maxed out all his overdrafts, his credit cards, and he was always being accepted for credit and things, and they would see that one day his account got his pay paid into it, and two hours later he’s got no money in it and he’s back into his overdraft; now for me they’ve got the ability to pick up fraudulent activity, why can’t they pick up suspicious gambling activity...” (Emma, research participant. Quoted in Smith, 2022)

Recommendations

- The government should commission an external review to consider the extent to which the steps taken by the Gambling Commission and gambling operators to address criminal activity related to gambling and how they impact people experiencing gambling harms related to crime and support those trying to recover.
- As part of its reforms to the Gambling Act, the government should ensure that there is greater transparency about the links between gambling and crime when fines and sanctions to operators are disclosed.
- Further research should be conducted to examine the impact of the proliferation of gambling products, their widespread availability and how different products are consumed on crime as well as links between different types of gambling product and crime.

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ANNEX A: About the Commission on Crime and Gambling Related Harms

The Commission on Crime and Gambling Related Harms – originally called the Commission on Crime and Problem Gambling – was launched by the Howard League for Penal Reform in June 2019. It was tasked with answering the following three questions:

- What are the links between gambling-related harms and crime?
- What impact do these links have on communities and society?
- What should be done?

Commissioners

- Lord Peter Goldsmith KC (Chair)
- Andrew Black, co-founder of Betfair
- Prof Henrietta Bowden-Jones OBE, FRCPsych, BA (Hons), DOccMed, MD (Imperial), Founder and Director of the National Problem Gambling Clinic
- Assistant Chief Constable Matt Burton, Cheshire Police
- Dr John Chisholm CBE, Chair, Medical Ethics Committee, British Medical Association
- Jon Collins, Chief Executive, Prisoners' Education Trust
- Elizabeth Morony, Partner, Clifford Chance LLP
- Andrew Neilson, Director of Campaigns, Howard League for Penal Reform
- Neil Platt, Clinical Director, Beacon Counselling Trust
- Sarah Ramanauskas, Senior Partner, Gambling Integrity
- Gerda Reith, Professor of Social Science, University of Glasgow
- Norma Stephenson OBE, Councillor, Stockton on Tees Borough Council
- Sue Wade OBE

With thanks to past Commissioners Dr Jamie Bennett and Frances Crook.

Commission on Crime and Gambling Related Harms: Previous publications

Ramanauskas, S. (2020) Crime and problem gambling: a research landscape.

- Full report: <https://howardleague.org/wp-content/uploads/2020/05/Crime-and-problem-gambling-research-landscape.pdf>

Page, S. (2021) *Sentencers understanding and treatment of problem gamblers*.

- Summary: <https://howardleague.org/wp-content/uploads/2021/09/Sentencers-Summary-FINAL-Online.pdf>
- Full report: <https://howardleague.org/wp-content/uploads/2021/09/Sentencers-report-FINAL-Online.pdf>

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Trebilcock, J. (2023) *Holding it all together and picking up the pieces: Women's experiences of gambling and crime*.

- Summary: https://howardleague.org/wp-content/uploads/2023/02/FINAL_Summary_Gambling-womens-experiences_February-2023.pdf
- Full report: <https://howardleague.org/wp-content/uploads/2023/02/Holding-it-all-together-and-picking-up-the-pieces-Womens-experiences-of-gambling-and-crime.pdf>

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- Summary: https://howardleague.org/wp-content/uploads/2023/03/Gambling-prison-culture_Summary_Howard-League-for-Penal-Reform_30-March-2023.pdf
- Full report: https://howardleague.org/wp-content/uploads/2023/03/Gambling-prison-culture_Report_Howard-League-for-Penal-Reform_30-March-2023.pdf

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- Full report: https://howardleague.org/wp-content/uploads/2023/04/Howard-League_Report_Lived-experiences-of-gambling-gambling-related-harms-and-crime-within-ethnic-minority-communities_-April-2023.pdf

For further information on the Commission's evidence sessions and other activities, please visit: <https://howardleague.org/commission-on-crime-and-problem-gambling/>

About the Howard league for Penal Reform

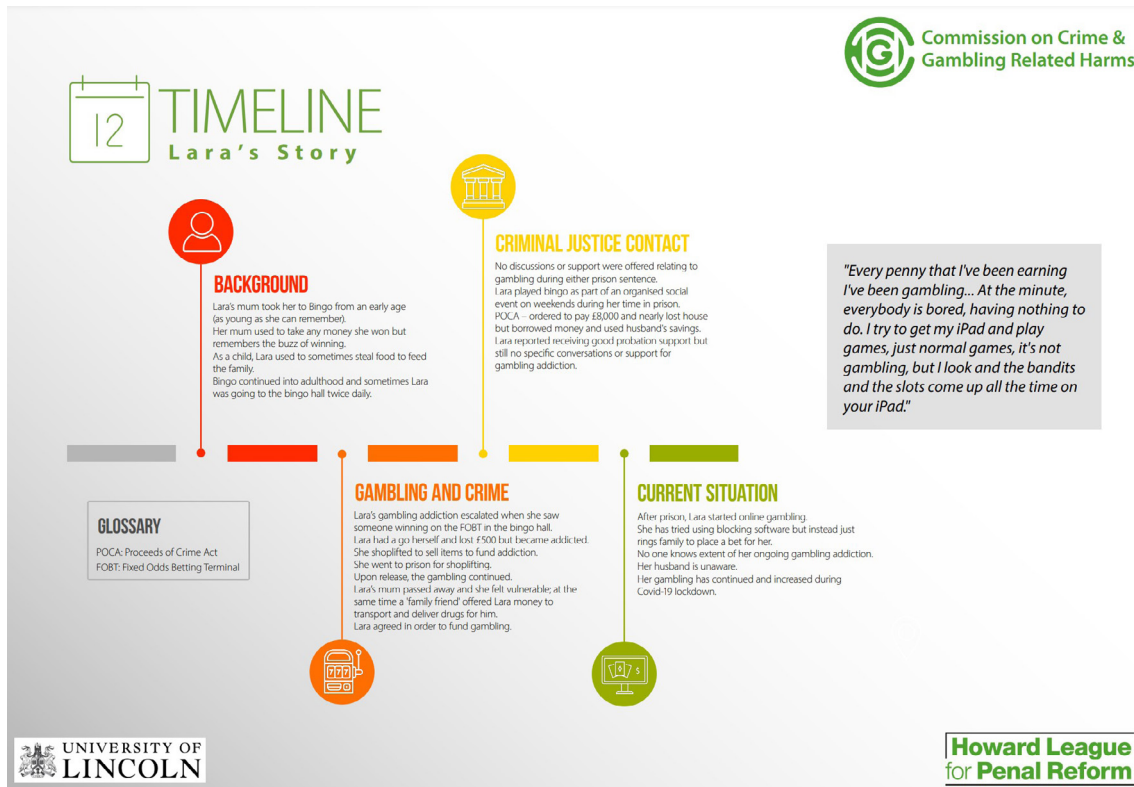
The Howard League for Penal Reform is a national charity working for less crime, safer communities, and fewer people in prison.

<https://howardleague.org>



ANNEX B – Case studies







ANNEX C – Existing practice chart

Police	Courts	Probation	Prison	Post-release
Assessment/screening 4/10 police forces do not screen for gambling harms; gambling screening pilots ; gambling added to risk assessment question in custody suites within all forces that use Niche Howard League letter to Police and Crime Commissioners	Assessment/screening	Assessment/screening HMPPS considering gambling needs assessment as part of policy framework OASys review pending GamCare and London probation pilot of screening question	Assessment/screening HMPPS considering gambling needs assessment as part of policy framework OASys review pending	Assessment/screening
Training and guidance Bet You Can Help Programme accredited by Royal Society for Public Health for police and liaison and diversion staff Beacon Counselling Trust 7 minute briefing GamCare and Hertfordshire PCC 'whole system' approach pilot (no longer running) Warwickshire PCC include gambling awareness in commissioning specifications	Training and guidance	Training and guidance HMPPS developing policy framework for gambling GamCare and London probation pilot of online training and resources for use in probation settings (promo video, posters, user leaflets), including for rehabilitation activity days attached to sentencing GamCare free training sessions Royal Society for Public Health free online awareness and brief intervention training	Training and guidance HMP The Mount pilot (no longer running) HMP Forest Bank pilot (no longer running)	Training and guidance
Support and treatment Cheshire Police diversion pathway via community resolutions and conditional cautions Signposting to National Gambling Treatment Service	Support and treatment Gambling Treatment Diversion Courts in United States	Support and treatment HMPPS review of interventions GamCare and London probation pilot of workbook for probation staff to support people experiencing gambling harms Interventions Alliance and GamCare CBT-based group work intervention	Support and treatment HMPPS review of interventions GamCare in cell workbook and activity pack Interventions Alliance and GamCare CBT-based group work intervention Central & North West London NHS Foundation Trust pilot in Surrey prisons (evaluation due June '23)	Support and treatment GamCare workbook National Gambling Treatment Programme and NHS Clinics MyGamCare online portal
Data	Data	Data HMPPS literature review HMPPS prevalence study	Data HMPPS literature review HMPPS prevalence study	Data
Role of POCA Law Commission review	Victim compensation			Local authority scrutiny
Strategic needs assessments for health and wellbeing; Integrated Care; links with drugs and alcohol policy/support infrastructure				
Signposting/referrals for family and others affected; NICE guideline; Access to National Gambling Helpline				
Lived experience voices, engagement, and co-production				
Public health education; guidance to employers and financial services; Gambling Workplace Charter				
Regional public health gambling harm reduction pilots				



ANNEX D – Policy levers chart

Police (Home Office/ NHS E/ Public Health Wales/Police and Crime Commissioners/ GambleAware)	Courts (HMCTS/NHS E& Public Health Wales/GambleAware)	Probation (HMPPS/ NHS E& Public Health Wales/GambleAware)	Prison (HMPPS/NHS E&I/ GambleAware)	Post-release (HMPPS/NHS E&I/ GambleAware)
Assessment/screening – custody suite (police risk assessments for immediate healthcare) – liaison and diversion gambling severity assessment – CPS (mental illness checklist)	Assessment/screening – Probation (OASys) – Liaison and diversion assessment – Clinical assessment	Assessment/screening – Probation (OASys) – Clinical assessment	Assessment/screening – induction – healthcare assessment – Parole – clinical assessment	Assessment/screening – Probation (OASys) – Clinical assessment
Training and guidance – leadership – custody suite – healthcare practitioners – liaison and diversion – integrated offender management	Training and guidance – leadership – defence advocates – magistracy and judiciary – probation officers – liaison and diversion	Training and guidance – leadership – probation staff – VCS partners – health and justice coordinators – HMPPS 7 minute briefing	Training and guidance – leadership – prison staff – healthcare – education – parole board – HMPPS 7 minute briefing	Training and guidance – leadership – probation staff – VCS
Support and treatment Liaison and diversion support and onward referral Therapeutic intervention via out-of-court disposals and pre-court diversion schemes Peer support schemes Integrated offender management - support of those not currently on orders	Support and treatment Sentencing guidelines and issue of culpability/ mitigating factor Sentencing options – community sentence treatment requirements (e.g. mental health treatment requirement; gambling treatment requirement; rehabilitation activity requirement) – deferred prosecution – suspended sentences	Support and treatment Commissioning gambling support service pathways Signposting/referral to gambling support services/treatment Peer support schemes	Support and treatment Commissioning gambling support service pathways/ treatment Peer support schemes Review of internal gambling policy/prison culture Constructive activity	Support and treatment Commissioning gambling support service pathways through the gate Signposting/referral mainstream gambling- specific support services/treatment Peer support schemes RECONNECT (post- release support for short prison sentences where additional health needs) Resettlement passports Constructive activity
Data – prevalence, co- morbidities and needs – effectiveness of interventions	Data – prevalence and outcomes – effectiveness of interventions	Data – prevalence and outcomes – effectiveness of interventions	Data – prevalence and outcomes – effectiveness of interventions	Data – outcomes post-release
Role of POCA and its application in these cases	Victim compensation			Recognition of impact on rehabilitation and reoffending
Strategic needs assessments for health and wellbeing; Integrated Care; links with drugs and alcohol policy/support infrastructure				
Signposting/referrals for family and others affected; NICE guideline				
Lived experience voices, engagement and co-production				

Howard League for **Penal Reform**

1 Ardleigh Road
London
N1 4HS

t 020 7249 7373
e info@howardleague.org
w www.howardleague.org
@TheHowardLeague

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