



Independent Gambling Authority
**Study into the relationship between crime
and problem gambling**
Report to the Minister



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Study into the relationship between crime and problem
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Report to the Minister

CONTENTS

| | |
|--|----------|
| 1. INTRODUCTION..... | 1 |
| 1.1 Background..... | 1 |
| 1.2 Terms of reference..... | 2 |
| 1.3 Methodology..... | 2 |
| 2. SUMMARY OF OCSAR REPORT | 3 |
| 3. CONCLUSIONS AND FURTHER ACTION | 5 |
| APPENDIX A..... | 7 |
| Terms of reference..... | 7 |
| APPENDIX B..... | 8 |
| Report—Gambling related crime in South Australia..... | 8 |

1. INTRODUCTION

1.1 Background

On 17 June 2002, the then Minister for Gambling, Hon. John Hill MP, wrote to the Authority asking the Authority to undertake a study of gambling related crime. The Minister stated that he envisaged that the study would “research the incidence of crime in our community caused by problem gambling and recommend opportunities to reduce gambling related crime”.

It had been foreshadowed that this request would be made prior to the commissioning of the Government, and that the study would be undertaken in conjunction with OCSAR—the Office of Crime Statistics and Research (a unit within the Attorney-General’s Department).

The context in which this request arose included the expression, by many of those who work closely with problem gamblers and the courts system in South Australia, of a view that there appeared to be a connection between gambling and crime, and that research should be undertaken to define that nature and extent of the relationship.

Both anecdotally and from the research available from other jurisdictions, it was believed that some problem gamblers may engage in a range of illegal activities to finance gambling or gambling related debt. However, there had been no South Australian-specific study and the limited nature of the findings made in other jurisdictions did not enable extrapolation to the South Australian environment.

From the outset, the Authority was conscious that not only was there no specific collection of data about the relationship between problem gambling and crime, and that any data would necessarily only tell us in an indirect way about any relationship, but also that even if an intentional and specific system of data collection were employed it would be unlikely to pick up a substantial part or aspect of any relationship between crime and problem gambling for the following reasons—

- ◆ a no doubt significant number of offences will never be detected;
- ◆ a no doubt significant number of offences, even if detected, will not be reported to any authority including the police;
- ◆ a no doubt significant number of offences which are reported, may not be prosecuted or, if prosecuted, may not proceed to trial or concluded hearing;
- ◆ not all problem gamblers access treatment services;
- ◆ not all problem gamblers who access services will disclose criminal activities.

For these reasons and others set out in the OCSAR report, the Authority anticipated a difficulty in providing either conclusive or indicative data based conclusions.

It should not be thought that the material contained in the Authority's report indicate or suggest that there is either no relationship or a significant relationship between crime and problem gambling.

1.2 Terms of reference

The Terms of Reference for the study were confirmed by the Minister on 30 October 2002 and are set out in Appendix A.

The Terms of Reference recognise the need to identify the nature and quality of the data currently collected, in addition to what it might indicate about any relationship between gambling and crime. Further, they call upon the Authority to identify ways in which the existing data can be improved to give a better understanding of the relationship.

1.3 Methodology

OCSAR was commissioned to undertake the investigations needed to address the terms of reference. A project brief was settled and researchers appointed. The Authority monitored, and provided direction where necessary, through special purpose meetings of members and through meetings of the Authority as a whole.

It is apparent from the report that OCSAR undertook a methodical and comprehensive analysis of the various tiers of the criminal justice system, tracking cases through the system and closely analysing court transcripts to determine connections between the offence and problem gambling. OCSAR's component of the study ultimately took longer than expected due to the unanticipated high interest stakeholder agencies took in talking on the matter, and a greater than anticipated number of agencies to be interviewed.

The detailed report provided by OCSAR is attached in Appendix B.

As a first step to preparation of the report, OCSAR adopted the following working definition of gambling related crime:

Offences committed as a consequence of, committed in order to support, committed as a significant result of, or significantly related to the defendant's desire, need or compulsion to gamble.

OCSAR began the study with a review of relevant literature and studies of gambling related crime conducted in Australia, New Zealand and internationally.

OCSAR then interviewed a range of stakeholders regarding their current collection of gambling related crime data, and their potential to collect such data. These stakeholders included—

- ◆ Department of Human Services;
- ◆ SA Police, including police prosecutions officers and members working on the Drug Use Monitoring Australia program;
- ◆ Department for Correctional Services;

- ◆ Legal Services Commission;
- ◆ Office of the Director of Public Prosecutions;
- ◆ Courts Administration Authority;
- ◆ Offenders Aid Rehabilitation Services;
- ◆ Break Even services and the Gambling Help Line.

OCSAR also analysed—

- ◆ 800 randomly selected police apprehension reports for the year 2001;
- ◆ 500 Adelaide Magistrates' Court files finalised in 2002 related specifically to the two offences of larceny and fraud (250 files for each offence were randomly selected), with these two offences chosen because the analysis of the police apprehension reports indicated that they were two offences that could feature a link to gambling;
- ◆ 1 800 sentencing remarks from District and Supreme Court cases heard between January 2000 and June 2003.

These analyses were undertaken to determine the efficacy of data collection across each tier of the criminal justice system by identifying and tracking the recording of cases at each level, and also to gain a view of the extent of gambling related crime as indicated from current data systems.

2. SUMMARY OF OCSAR REPORT

As identified by OCSAR, there is no systematic and ongoing collection of data in South Australia that can be used as a valid measure of the extent and nature of gambling related crime. As a result, any attempt to quantify the extent of gambling related crime from these sources would most likely be an underestimation.

From the limited data available and stakeholder interviews, OCSAR found that—

- ◆ of the 800 randomly selected police apprehension reports from 2001, 6 (**0.75%**) were gambling related, with those 6 cases involving the offences of fraud, larceny, armed robbery and serious criminal trespass;
- ◆ of the 1 800 District and Supreme Court cases heard between January 2000 and June 2003, 23 (**1.3%**) were gambling related, with 15 of the cases having gambling as the only motivating factor and the other 8 involving multiple motivating factors (such as drug use, robbery and fraud), and the offenders in these latter cases being more likely to have prior offences;
- ◆ within the two selected crimes of fraud and larceny for which 500 (250 for each offence) Adelaide Magistrates' Court files had been randomly selected, of those which contained sentencing remarks, **4%** of the fraud offences and **1.2%** of the larceny offences, were gambling related;

- ◆ anecdotal reports from providers of gambling help services suggest that between **10%** and **70%** of problem gamblers who access their services are involved in gambling related crime, with the wide discrepancy in figures relating to the focus of the service offered and nature of catchment (i.e. clients are all severe problem gamblers, clients range widely in the severity of their problem gambling, service receives a concentration of referrals from legal services, and so on).

It is estimated (from research work identified by OCSAR) that approximately 2% of the adult population are problem gamblers.

Comparison with the published research reviewed for the study identifies that—

- ◆ the results of this South Australian study are consistent with the limited research that has occurred in other jurisdictions such as New South Wales;
- ◆ an unknown percentage of gambling related crime will never be quantified because:
 - a number of offences will never be detected;
 - even if detected, offences may not be reported to police;
 - not all problem gamblers access treatment services; and
 - not all problem gamblers who access services will disclose criminal activities.
- ◆ the causal relationship between gambling and crime has not been determined.

That research undertaken elsewhere has demonstrated that many problem gamblers do not commit offences and that many prisoners identified as problem gamblers have committed offences not related to their gambling.

With regard to future data collection, OCSAR identified that for most of the agencies consulted, the need for statistics on gambling related crime was seen in high level terms of educating the community, informing government about the impact of problem gambling, and enabling the most appropriate allocation of funding for gambling help services.

With the exception of the Department for Correctional Services, the majority of agencies indicated that data on gambling related crime would not assist them greatly in their day-to-day operational activities.

However, without valid data on gambling related crime it is not possible to assess the true impact of criminal activity (including the costs to victims, the criminal justice system and the community in general), and it is not possible to provide an appropriate response, either at the gambling help service level, in the courts, or within correctional services.

OCSAR identified a number of options for data collection which broadly fall into one of two categories—

- ◆ modification to existing government databases to include additional data on gambling; or

- ◆ the development of time limited research projects or data collection processes within relevant sectors.

Several of the key agencies (SAPOL, Break Even and Correctional Services) supported the latter option but both stakeholders and OCSAR indicate that there are significant impacting factors for any data collection system—

- ◆ costs involved in developing appropriate data fields, modifying existing data bases and implementing the data collection process, such as staff training;
- ◆ resources required by each agency to collect the additional data;
- ◆ impact of the data collection process on the activities of the agencies involved;
- ◆ level of commitment to the process within each agency to ensure data collected is comprehensive and valid;
- ◆ representativeness of the data collected; and
- ◆ resources required to access, analyse and report upon the data.

3. CONCLUSIONS AND FURTHER ACTION

The significant limitations of the various agencies' data collection systems make it difficult to draw confident conclusions about the extent of gambling related crime in South Australia and the exact nature of the relationship between gambling and crime.

What has been identified is that one can identify that problem gambling and crime have some connection. As to the proportion or extent, it is almost impossible to reach a conclusion regarding the connection.

A conventional approach to enabling the collection of useful data would involve upgrading of police data systems, with attendant training of sworn police and data system staff. Similar changes would also be required for the courts and other agencies.

There would be significant costs associated with such an approach. In addition, there would be further costs involved in ensuring (through audit and other means) the ongoing validity of the data collected, particularly when the data will not necessarily be of operational relevance.

This is not to say that as systems are revised in the ordinary course, data could not be collected on, for example, the general motivation for commission of a crime, and that valid problem gambling data could not be derived as a result of such revisions.

This is also not to say that the relationship between problem gambling and crime is incapable of proper definition or quantification, or that efforts to pursue it should not be continued.

The Authority supports and recommends that an appropriate taskforce identify a project of research and data gathering, which would be able to be undertaken, having regard to—

- ◆ the difficulties associated with existing data;
- ◆ the legal, practical and cost problems associated with data collection;
- ◆ practical application of any data and conclusions.

This may include the development of time limited studies, repeated on a regular basis, to continue to identify relationships between gambling and crime and to seek to identify any trends. These studies would be facilitated by relationships developed during this study and could be delivered within supportable cost parameters.

For its part, the Authority intends to establish such a taskforce within its specified function of research, build some such time limited studies into its research program. In addition, the Authority will provide briefings for agencies such as the police and Corrections on how more gambling specific data could be incorporated into their systems as they are reviewed in the normal course.

It is recognised that this taskforce will need to consult with a range of agencies with interests in the area.

Finally, the Authority will raise with the Courts ways in which information known to judges and magistrates or available on files (but not necessarily systematically collected) might be more readily made available to the sort of investigative activity undertaken for the purposes of this study, should those investigations be repeated.

This report is provided on the basis that a supplementary report will be provided once further investigation is completed.

APPENDIX A

Terms of reference

1. The Authority must identify what statistics are presently available in South Australia which deal with, or reflect, the motivations or cause or influences of offences where gambling or gambling related problems form part of that background including, but not limited to, statistics held by—
 - (a) the Office of Crime Statistics;
 - (b) the Director of Public Prosecutions;
 - (c) the Department of Human Services;
 - (d) the Courts Administration Authority;
 - (e) the Legal Services Commission of South Australia.
2. The Authority must recommend ways in which statistics dealing with or reflecting the relationship in gambling and crime may be collected more effectively.
3. The Authority must collect data concerning the matters set out in clause 1, in order to support the information ascertained.
4. The Authority must provide suggestions for systematic improvements which could be made in the collection of crime statistics to facilitate ongoing analysis.
5. The Authority must present findings concerning a relationship in the form of a report suitable for tabling in Parliament.
6. In carrying out the study, the Authority must have due regard to the protection of confidential information.
7. The Authority must summarise the existing research on the relationship between gambling and crime.

APPENDIX B

Gambling related crime in South Australia

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Office of Crime Statistics and Research

A report prepared for the Independent Gambling Authority

December 2003

CONTENTS

| | |
|--|----|
| Acknowledgments..... | 8 |
| Executive Summary | 9 |
| Introduction..... | 14 |
| Background | 14 |
| Terms of Reference | 14 |
| Study Aims..... | 15 |
| Methodology..... | 15 |
| Steering Committee | 16 |
| Structure of Report..... | 17 |
| Section 1: Definitions | 18 |
| Section 2: Literature Review..... | 21 |
| Section 3: Review of data sources on gambling related crime in South Australia..... | 31 |
| Section 4: Analysis of available data | 45 |
| Analysis of Police Apprehension Reports | 45 |
| Magistrate Court file analysis | 50 |
| District and Supreme Court Sentencing Remarks analysis..... | 57 |
| Other information obtained during consultation phase | 64 |
| Section 5: The need for data on gambling related crime | 67 |
| Section 6: Options for future data collection..... | 70 |
| Section 7: Meeting the Terms of Reference..... | 81 |
| References..... | 84 |

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Thanks also to Christine Walter from the Independent Gambling Authority for her assistance throughout the project.

Appendix B: Gambling related crime in South Australia—continued

EXECUTIVE SUMMARY

This report outlines the results of research undertaken by the Office of Crime Statistics and Research (OCSAR) on gambling related crime in South Australia. The work was commissioned by the Independent Gambling Authority (IGA) in response to a request from the Minister for Gambling.

For the purpose of this study, gambling related crime is defined as:

Offences “committed as a consequence of, committed in order to support, committed as a significant result of, or significantly related to the defendant’s desire, need or compulsion to gamble” (Crofts, 2002 p 16).

Key findings

- There is no systematic and ongoing collection of data in South Australia that can be used as a valid measure of the extent and nature of gambling related crime. The limited data that is available is difficult to access and varies considerably in comprehensiveness.
- A review of data currently available from South Australian court records found that:
 - 1.3% of cases heard in the District and Supreme Court from 2000 onwards were gambling related;
 - 4.0% of Adelaide Magistrate Court files finalised in 2002 involving fraud offences were gambling related; and
 - 1.2% of Adelaide Magistrate Court files finalised in 2002 involving larceny offences were gambling related.

However, it should be noted that court figures might underestimate the number of gambling related matters because:

- a defendant may not admit to problem gambling; and
- even when an admission is made, there is no requirement to record such information.
- A review of randomly selected police apprehension reports from 2001 found six that were considered ‘gambling related’, involving the offences of fraud, larceny, armed robbery and serious criminal trespass. However, as with the courts, police apprehension reports have substantial limitations with regard to the recording of any link between the offending behaviour and problem gambling. Therefore, the number identified is likely to be an underestimate of the true extent of gambling related apprehensions.
- In contrast, anecdotal reports suggest that between 10% and 70% of problem gamblers who access gambling help services in South Australia are involved in gambling related crime. The wide divergence of estimations is possibly due to the nature of the particular client group accessing some agencies (e.g. the service captures a higher proportion of clients with severe problem gambling, or the service receives a higher proportion of direct referrals from solicitors than other services).
- The findings of this study are consistent with the limited research that has occurred in other jurisdictions.

Appendix B: Gambling related crime in South Australia—continued

Methodology

- The research conducted by OCSAR comprised:
 - a review of the extent and availability of gambling related crime data in South Australia;
 - an analysis of available data to determine the extent and nature of matters related to problem gambling; and
 - an assessment of options for future data collection that will provide valid and useful information on gambling related crime.
- The study methodology involved a combination of literature review, interviews with key informants, and an in-depth analysis of police and court records.

Review of literature

The review of recent literature on gambling related crime found that:

- Research has focused on the prevalence of gambling related crime within different subgroups, namely: problem gamblers within the general population; problem gamblers who access treatment and counselling services; and persons who come into contact with the criminal justice system.
- The prevalence of gambling related crime varies according to the subgroup examined, as well as the measures used.
- Studies of problem gamblers within the general population generally show the lowest rate of gambling related crime. The latest figures in South Australia show that between 0.8% and 1.6% of problem gamblers were involved in a gambling related crime. Similar studies within Australia have put this figure as high as 15%.
- Other Australian research has estimated the percentage of problem gamblers in treatment or counselling who commit gambling related crime at between 20% and 60%. No research of this type has been conducted in South Australia.
- While few studies of official crime data have been conducted to date, research from Canada using police files and New South Wales using court files, found much lower prevalence of gambling related crime (4.0% and 2.67% respectively) compared with studies on problem gamblers who access services, and prisoners. This research noted that both police files and court files have a number of limitations as a measure of gambling related crime and will most likely underestimate its occurrence.
- The percentage of prisoners in Australia who are assessed as problem gamblers varies between 17.4% in Queensland and 33% in South Australia. However, caution should be used when comparing these figures, due to the varying measures used.
- An unknown percentage of gambling related crime will never be quantified because:
 - a number of offences will never be detected;
 - even if detected, offences may not be reported to police;
 - not all problem gamblers access treatment services; and

Appendix B: Gambling related crime in South Australia—continued

- not all problem gamblers who access services will disclose criminal activities.
- The causal relationship between gambling and crime has not been determined. Research has demonstrated that many problem gamblers do not commit offences and that many prisoners identified as problem gamblers have committed offences not related to their gambling.

**Review of current data sources on gambling related crime
(interviews with key informants)**

An extensive review of key South Australian government agencies and affiliates through interviews with key informants, confirmed that there is no systematic and ongoing collection of data that can be used as a valid measure of the extent and nature of gambling related crime in South Australia. While some information is available (eg. police and court records) most of the data is difficult to access and varies considerably in comprehensiveness. As a result, any attempt to quantify the extent of gambling related crime from these sources would most likely be an underestimation.

Analysis of currently available data (police and court records)

- A review of 800 randomly selected police apprehension reports for the year 2001, found six that were considered ‘gambling related’, involving fraud, larceny, armed robbery and serious criminal trespass offences.

However, it is acknowledged that police apprehension reports have substantial limitations with regard to the recording of any link between the offending behaviour and problem gambling. Therefore, the number identified is likely to be an underestimate of the true extent of gambling related apprehensions.

- An analysis was conducted of 500 Adelaide Magistrate Court (AMC) files involving larceny or fraud offences that were finalised in 2002. For each offence type, 250 files were randomly selected from the total number of finalised AMC files involving that offence. Overall, 1.2% of the larceny files and 4.0% of the fraud files were gambling related. However, it is noted that this number is likely to underestimate the true number of gambling related court cases as:
 - some defendants will choose not to reveal their motivation as gambling;
 - even if gambling is disclosed as an element of the offending behaviour some magistrates may not refer to a defendant’s gambling problem in their sentencing remarks; and
 - not all Magistrate Court files have sentencing remarks included on the file.
- The analysis of 1800 sentencing remarks from cases heard in the District and Supreme Courts of South Australia from January 2000 to June 2003, found 23 that were gambling-related (1.3%). Of these:
 - 15 had gambling as the only motivating factor in the offending;
 - 8 involved other factors, generally drug use, and this group (with multiple motivating factors) was more likely than the ‘gambling only’ group to have prior offences;

Appendix B: Gambling related crime in South Australia—continued

- the most common offence type was drug offences (9) followed by robbery (7) and fraud (3);
- problem gambling was not a mitigating factor in relation to sentencing outcomes.

Need for data on gambling related crime

- For most agencies consulted, the need for statistics on gambling related crime was seen in high level terms of educating the community, informing government about the impact of problem gambling, and enabling the most appropriate allocation of funding for gambling help services.
- Without valid data on gambling related crime it is not possible to assess the true impact of such criminal activity, including the costs to victims, the criminal justice system, and the community in general. It is also not possible to provide an appropriate response, either at the gambling help service level, in the courts, or within correctional services.
- Whilst the majority of agencies indicated that data on gambling related crime would not assist them greatly in their day to day operational activities, the Department for Correctional Services was an exception, reporting that the collection of data on the gambling behaviour of their clients would be useful on both an individual basis, as well as contributing to policy re the provision of programs and services within the Department.

Options for future data collection

To acquire a meaningful and comprehensive understanding of the extent and nature of gambling related crime in South Australia, from the perspective of both problem gamblers and offenders, a range of data collection processes are required.

A number of options for data collection were identified and assessed, falling into one of the following two categories:

- modification to existing government databases to include additional data on gambling; or
- the development of a number of time limited research projects/data collection processes within relevant sectors.

Modifications to existing databases

SAPOL

Inclusion of additional data items on the SA Police database relating to gambling would require substantial commitment and resources to ensure that the information was comprehensive and valid. However, given the limited options available, this may be a necessary step to obtain statistical data on gambling related crime at the apprehension stage of the contact with the criminal justice system.

Courts

There is potential for useful information to be collected within the courts that will contribute to our understanding of the relationship between gambling and crime. This is particularly in the Magistrates Courts, where there is currently limited capacity to record information and to

Appendix B: Gambling related crime in South Australia—continued

retrieve what has been stored. However, this process would require the cooperation of Magistrates and Judges in nominating gambling related offences.

Department for Correctional Services

The Department for Correctional Services (DCS) are supportive of moves to obtain information on the gambling behaviour of clients for their own operational purposes and are currently investigating new assessment tools that will also require the collection of such data. As a result, while acknowledging the resource implications in modifying databases, there is considerable potential for the collection and recording of gambling related data from DCS.

Break Even Network

Among the Break Even agencies, there was little support for inclusion of gambling related questions in the dataset, for reasons of client comfort, the time taken away from the counselling process and the potential to compromise the relationship between the client and the counsellor. There was more support, although still limited, for asking questions at any time considered appropriate, as a natural part of counselling procedure. Despite these concerns, the Break Even database is a valuable resource on the attributes of problem gamblers who access gambling help services. Given that the data collection process is already established, it presents a substantial opportunity to increase the level of knowledge about the relationship between gambling and crime.

Time limited data collection processes

Within SAPOL, DCS and the Break Even Network, there was generally more support for data collection processes involving the completion of short survey questionnaire or datasheets for a limited time period.

Key factors impacting upon future data options

Overall, the key factors that will impact upon these options are:

- costs involved in developing appropriate data fields, modifying existing data bases and implementing the data collection process, such as staff training;
- resources required by each agency to collect the additional data;
- impact of the data collection process on the activities of the agencies involved;
- level of commitment to the process within each agency to ensure data collected is comprehensive and valid;
- representativeness of the data collected; and
- resources required to access, analyse and report upon the data.

Appendix B: Gambling related crime in South Australia—continued

INTRODUCTION

Background

The introduction of poker machines into South Australia, first into the casino and then, in 1994, into hotels and clubs, was accompanied by public concern about the potential negative impact. Since then, particularly with respect to gaming machines in hotels and clubs, public awareness and concern about the social impact has continued.

A 2001 study of the prevalence of gambling in SA found that approximately 2% of the adult population were problem gamblers (Taylor et al 2001). Typically, problems associated with gambling include financial difficulty and high levels of debt, as well as a reduction in work performance and family/relationship breakdown. Research has also shown that some problem gamblers may engage in a range of illegal activities to finance gambling or gambling related debt.

This report outlines the results of a study undertaken by the Office of Crime Statistics and Research (OCSAR) on gambling related crime. The research was commissioned by the Independent Gambling Authority (IGA) in response to a request from the Minister for Gambling that the relationship between problem gambling and crime be investigated, in conjunction with OCSAR. The Minister's request included terms of reference for the study.

This report provides a summary of the extent and availability of gambling related crime data in South Australia. In addition, it includes the results of an analysis of available data to determine the extent and nature of matters related to problem gambling. Finally, it assesses the options for future data collection that will provide valid and useful information on gambling related crime.

Terms of Reference

1. The Authority must identify what statistics are presently available in South Australia which deal with, or reflect, the motivations or cause or influences of offences where gambling or gambling related problems form part of that background, including, but not limited to, statistics held by—
 - (a) the Office of Crime Statistics and Research
 - (b) the Director of Public Prosecutions
 - (c) the Department for Human Services
 - (d) the courts Administration Authority
 - (e) the Legal Services Commission of South Australia.
2. The Authority must recommend ways in which statistics dealing with or reflecting the relationship between gambling and crime may be collected more effectively.
3. The Authority must collect data concerning the matters set out in clause 1, in order to support the information ascertained.
4. The Authority must provide suggestions for systematic improvements which could be made in the collection of crime statistics to facilitate ongoing analysis.

Appendix B: Gambling related crime in South Australia—continued

5. The Authority must present findings concerning a relationship in the form of a report suitable for tabling in Parliament.
6. In carrying out the study, the Authority must have due regard to the protection of confidential information.
7. The Authority must summarise the existing research on the relationship between gambling and crime.

Study aims

Based on the Terms of Reference the study aimed to:

1. identify what statistics are presently available in South Australia that deal with or reflect, the motivations or cause or influences of offences where gambling or gambling related problems form part of that background;
2. recommend ways in which statistics dealing with or reflecting the relationship between gambling and crime may be collected more effectively;
3. provide suggestions for systematic improvements that could be made in the collection of statistics to facilitate on-going analysis;
4. summarise the existing research on the relationship between gambling and crime; and
5. present findings concerning the relationship between gambling and crime that can be ascertained from existing data.

Methodology

To address the stated aims and objectives, the study involved a combination of a literature review, interviews with key informants, and an in-depth analysis of police and court records. The study was completed in several stages, as follows:

Stage 1: Literature Review

In Stage 1, relevant national and international literature was reviewed to identify the latest research findings on gambling related crime, as well as the methodologies and data collections used to conduct the research.

Stage 2: Data audit

Through interviews and consultations with key informants, Stage 2 involved a detailed investigation of the range and quality of data on gambling related crime that is currently collected by relevant South Australian government agencies and their affiliates.

Stage 3: Analysis of available data

This stage involved the examination of 500 court files from the Adelaide Magistrates Courts, 800 South Australian Police Apprehension Reports, and 1,800 sentencing remarks from the District and Supreme Courts of South Australia to determine:

- the extent to which problem gambling was recorded as an element of the offending behaviour;
- the types of offences involved; and
- the methods by which such information was recorded.

Appendix B: Gambling related crime in South Australia—continued

Stage 3 also involved the analysis of information pertaining to the relationship between gambling and crime that was obtained from key informants during the consultative phase of the project.

Stage 4: Options for future data collection

Through discussions with key informants and a review of current research, this stage involved:

- an investigation of the types of additional data required to enable a comprehensive and ongoing analysis of the nature and extent of gambling related crime;
- an assessment of the feasibility of a range of data collection options.

Steering Committee

The project was overseen by a Steering Committee comprised of members and staff of the Independent Gambling Authority.

Appendix B: Gambling related crime in South Australia—continued

STRUCTURE OF THE REPORT

This report is presented in seven sections:

Section 1 defines gambling, and the terms problem gambling and gambling related crime.

Section 2 presents the findings of a review of national and international literature on gambling related crime;

Section 3 summarises the data that are currently collated and recorded by South Australian government agencies and affiliates;

Section 4 details the results of an analysis of data currently available in South Australia from SA Police, courts and gambling support agencies;

Section 5 summarises the views of key informants on the need for data on gambling related crime;

Section 6 outlines a number of options for the future collection of statistics dealing with or reflecting the relationship between gambling and crime; and

Section 7 presents a summary of the report's findings against the Terms of Reference.

Appendix B: Gambling related crime in South Australia—continued

SECTION 1: DEFINITIONS

Gambling

For this report, gambling is defined as wagering and gaming. Wagering involves wagers made on events such as horse racing, greyhound racing and sporting events, often involving skill and knowledge to make subjective calculations of an uncertain result (Crofts 2002 p 16). Gaming refers to games of chance and includes lotteries, casino games, electronic gaming machines, pools, bingo, raffles and scratch tickets.

Problem Gambling

Definition used in this study

There is much debate about the definition of problem gambling. Problem gambling is the term more commonly used within Australia, as it is more inclusive than either ‘pathological’ or ‘compulsive’ gambling (commonly used in overseas jurisdictions, particularly America), which have a narrower ‘medical’ focus. Therefore, for the purposes of this report, ‘problem gambling’ refers to the definition recommended by the Centre for Criminology and Criminal Justice, Monash University:

Problem gambling refers to a situation when a person’s gambling activity gives rise to harm to the individual player, and/or his or her family and may extend to the community. (Centre for Criminology and Criminal Justice, Monash University 2000 p 9)

Diagnostic instruments—gambling screens

Despite its broader definition, diagnosis of ‘problem gambling’ generally relies on the criteria set out in the American Psychiatric Association’s Diagnostic Statistical Manual (DSM IV) for pathological gambling, as listed in Figure 1 below.

Diagnostic instruments known as ‘Gambling Screens’, have been developed in various jurisdictions (eg. America, Canada, Australia) to identify persons who satisfy the diagnostic criteria for the disorder of problem gambling set out in DSM IV. The South Oaks Gambling Screen (SOGS) is the most widely used. It consists of:

- 35 questions (20 of which are scored either 1 or 0) relating to lack of control over gambling, lying about losses/wins, feelings of guilt, arguments about money; and
- nine questions related to borrowing money to gamble or pay gambling debts.
- A score of five or more suggests a ‘probable pathological gambler’ (Lesieur and Blume 1987: quoted in Crofts, 2002, p 20).

Some concern has been expressed that the SOGS does not reflect the broader definition of problem gambling and the greater acceptance of gambling within Australia, with some researchers employing higher cut off scores to assess the prevalence of problem gambling. The Australian Institute of Gambling Research 2001 Review of Gambling in the ACT interpreted scores of 5+ as indicating a ‘moderate’ gambling problem and 10+ to denote a ‘severe’ gambling problem (Centre for Gambling Research, 2003 p 11).

Appendix B: Gambling related crime in South Australia—continued

It should also be noted that SOGS questions can be asked from the perspective of the last six months, 12 months or lifetime (e.g. “in the last six months have you...” or, “have you ever...”), and that this will have an impact upon the scores obtained.

Figure 1. Diagnostic criteria for pathological gambling as set out in the American Psychiatric Association’s Diagnostic Statistical Manual–DSM IV (American Psychiatric Association, 1994)

Pathological gambling as identified by criteria A and B

- | |
|---|
| <p>A. Persistent and recurrent maladaptive gambling behaviour as indicated by five (or more) of the following:</p> <ol style="list-style-type: none">(1) Is preoccupied with gambling (e.g. preoccupied with reliving past gambling experiences, handicapping or planning the next venture or thinking of ways to get money with which to gamble);(2) Needs to gamble with increasing amounts of money in order to achieve the desired excitement;(3) Has repeated unsuccessful attempts to control, cut back or stop gambling;(4) Is restless or irritable when attempting to cut down or stop gambling;(5) Gambles as a way of escaping from problems or of relieving a dysphoric mood (e.g. feelings of helplessness, guilt, anxiety or depression);(6) After losing money gambling, often returns another day to get even;(7) Lies to family members, therapist or others to conceal the extent of involvement in gambling;(8) Has committed illegal acts such as forgery, fraud, theft or embezzlement to finance gambling;(9) Has jeopardised or lost a significant relationship, job or educational or career opportunity because of gambling;(10) Relies on others to provide money to relieve a desperate financial situation caused by gambling. <p>B. The gambling behaviour is not better accounted for by a manic episode (DSM IV 614).</p> |
|---|

According to Dickerson et al, the SOGS is the only international measure of problem gambling with acceptable reliability and validity, provided that when it is used in Australia it is interpreted in terms of the proportion of the population at risk of gambling related problems, using much higher cut-off scores than was originally intended (Dickerson et al, 1996, quoted in Centre for Criminology and Criminal Justice 2000 p 8).

In response to concerns about the SOGS, other problem gambling screening tools have recently been developed. The Victorian Gambling Screen (VGS) was developed for the Victorian Casino and Gaming Authority at South Australia’s Flinders Medical Centre. The VGS measures gambling on a broader continuum than SOGS, using a wider scoring range (from no harm to maximum harm) to identify different levels of the problem.

Appendix B: Gambling related crime in South Australia—continued

The Canadian Problem Gambling Index is a questionnaire recommended by the Productivity Commission. It was developed to provide a more meaningful measure of problem gambling for use in general adult population surveys, reflecting a broader view of gambling and including more indicators of social context (Canadian Centre on Substance Abuse, 2001). As with the VGS, it too measures gambling on a much wider scale than the SOGS (Smith et al, 2003 p 7).

However, despite concerns about the SOGS and the emergence of alternative screening techniques, it remains the predominant measure of problem gambling nationally and internationally.

Gambling related crime

Blaszczynski and McConaghy define gambling related crime as “a criminal offence committed by a gambler or partner to fund his or her gambling either directly and/or indirectly to fund a shortfall of living expenses due to gambling” (Blaszczynski and McConaghy, 1994 p 133). Gambling that is *directly* related to crime refers to illegally obtaining funds and using those funds to gamble, while gambling that is *indirectly* related to crime refers to illegally obtaining funds to cover shortfalls in income where that income was used on gambling activities.

However, Blaszczynski and McConaghy’s definition excludes the possibility of non-financial crimes, such as domestic violence, being gambling related, although there is much anecdotal evidence of such crimes resulting from tensions and stresses associated with gambling problems (Crofts 2002, p 37). In recognition of this, the Centre for Criminology and Criminal Justice, Monash University, defined gambling related crime as “crime perpetrated or precipitated by persons with a gambling problem” (Centre for Criminology and Criminal Justice 2000 p 7). This definition includes a much wider range of criminal activities that could be gambling related, but also requires clarification regarding the meaning of the term ‘problem gambler’.

Crofts, in her examination of the link between gambling and offending in New South Wales, used another definition, which included all offences “committed as a consequence of, committed in order to support, committed as a significant result of, or significantly related to the defendant’s desire, need or compulsion to gamble” (Crofts, 2002 p 16). This definition allows the inclusion of a wide range of criminal activities and also avoids the problem of needing to define and identify ‘problem gamblers’. It was therefore adopted for this report.

Appendix B: Gambling related crime in South Australia—continued

SECTION 2: LITERATURE REVIEW

A review of national and international literature was conducted to provide a brief overview of the most recent research on gambling related crime. In particular, the following issues were addressed:

- what is known about the extent of gambling and problem gambling in South Australia;
- an overview of the methodologies/data sources used in existing research on gambling related crime;
- most recent estimates of the extent of gambling related crime from these studies;
- offence types linked to problem gambling; and
- characteristics of problem gamblers who are involved in offending behaviour.

Levels of gambling in South Australia

The prevalence of gambling in South Australia is very high. A population survey conducted in 2001 into the prevalence of gambling in South Australia found that, of the sample of over six thousand respondents, 76% had participated in at least one gambling activity in the past 12 months, and 18% were identified as frequent gamblers who participate in a gambling activity or activities (other than lottery games) at least once a fortnight (Taylor et al, 2001). This equates to approximately 176,000 South Australian adults who are classified as frequent gamblers.

These figures are comparable to those in the 1999 Australian Productivity Commission Study where it was found that 77% of South Australians had participated in any gambling activity, and 82% of Australians nationwide participated in some form of gambling activity (Productivity Commission, 1999 Appendix B p 2).

The most common forms of gambling identified in the 2001 South Australian prevalence study were Lotto or lottery games (61.2%). However, it also indicated that electronic gaming machines (pokies) were a major form of gambling, with 36.4% of participants reporting that they had gambled on pokies (Taylor et al p 8). The Productivity Commission estimated this figure to be as high as 41%.

Levels of problem gambling in South Australia

Both the 1999 Productivity Commission Report into Gambling, and the Gambling Patterns in South Australia report (Taylor et al 2001), indicated that, for the majority of South Australians, gambling is a form of recreation that does not result in any harm to themselves or others. However, using the South Oaks Gambling Screen (SOGS), both reports also found that approximately 2% of the adult population (22,000 persons) have a significant gambling problem. It should be noted that this figure is based on survey respondents scoring 5 or more on the SOGS (as well as a small number within the SA study who self diagnosed as problem gamblers).

As indicated in the 'Definitions' section of this report, some researchers recommend a score of 10+ as a more appropriate cut off score in the Australian context. Twenty-three of the 6,045 respondents in the SA study scored 10 or more on the SOGS. On this basis, which

Appendix B: Gambling related crime in South Australia—continued

excludes those who would self diagnose, 0.4% of the adult population (or approximately 4,400 persons) would be estimated as severe problem gamblers.

Research on gambling and crime

Studies on the relationship between gambling and crime can be differentiated according to the particular sector within the community that they target. There are three main types of research:

1. research on the offending behaviour of problem gamblers drawn from the general population, with a sample of problem gamblers identified by using a gambling measure such as the SOGS and then questioning them about illegal activities, particularly those linked to their gambling behaviour;
2. research on the offending behaviour of problem gamblers who seek assistance from gambling help services, conducted as per the previous point; and
3. studies on the link between gambling and offending behaviour of those persons who come into contact with the criminal justice system, including persons apprehended by police, defendants in court, and clients of correctional service agencies.

Population studies of problem gamblers

A number of studies on gambling have obtained information regarding gamblers and their activities from samples of the general population.

Dickerson conducted a national survey in 1991-1992. It was a doorknock survey of 2,744 participants in four capital cities. Of the 22 respondents who identified as problem gamblers using the SOGS, one-third of these had experienced problems with the police because of their gambling (Dickerson et al, 1996). However, this number is likely to be conservative, as the survey did not explore the self-reported commission of gambling related crime, only those who had been detected by police.

The National Gambling Survey conducted by the Productivity Commission in 1999 sought information on the prevalence of gambling related illegal activity. Respondents were asked whether, because of their gambling, they had:

- ever obtained money illegally;
- been in trouble with the police; or
- been in court on gambling related charges.

Approximately one in four gamblers in the severe category (SOGS 10+) reported having committed some form of illegal activity at some stage, with 11.3% reporting such activity during the past 12 months. This was considerably higher than the results for problem gamblers generally (SOGS 5+), with 10.5% within this group admitting to having ever committed an offence and 3.3% committing an offence in the last 12 months (Productivity Commission 1999, Section 7 p 62).

Taylor et al's population study (referred to earlier) on the prevalence of adult gambling and problem gambling conducted in South Australia in 2001 (Taylor et al, 2001) found little evidence of a relationship between gambling and crime. Of the 6,045 respondents in the telephone survey, 123 were identified as problem gamblers (having scored 5 or more on the

Appendix B: Gambling related crime in South Australia—continued

SOGS). These respondents were then asked three questions regarding their behaviour in relation to gambling and crime in the previous 12 months. One of the 123 problem gamblers indicated that gambling had led them to obtain money illegally (0.8%), two reported that they had been in trouble with the police because of gambling (1.6%), and one indicated that he/she had appeared in court.

The Queensland Household Survey (Queensland Treasury, 2001) found similar results. While not presenting any figures, the survey found little evidence that problem gamblers have been involved in criminal activity due to their gambling. However, they used a different measure of problem gambling – the Canadian Problem Gambling Index.

These results contrast sharply with that of a recent general population survey within the Australian Capital Territory. Based on the same three questions used in Taylor et al's South Australian study, from a sample of 5,445 it was found that 15.1% of respondents who had a SOGS score of 5 or greater, and 16.4% with a SOGS of 10 or more, reported that they had committed a gambling related offence (Australian Institute of Gambling Research 2001).

Problem gamblers who access gambler help services

The second form of research on gambling related crime involves studies on the criminal activities of problem gamblers who seek assistance from gambler support agencies. As result they are not necessarily representative of all problem gamblers.

Overall, estimates of gambling related criminal activity amongst problem gamblers who access services vary widely, ranging from 20% up to 66%. They are consistently higher than estimates of the rate of gambling related offending among problem gamblers drawn from the general population.

Potenza et al focused on individuals seeking help from a gambling helpline over the course of one year. A total of 826 calls were examined to investigate the presence of illegal conduct related to gambling, and whether or not this illegal conduct had resulted in an arrest or incarceration (Potenza et al, pp 391–393). Overall, slightly more than 20 percent of this sample reported involvement in criminal activity.

This result was similar to that found by Jackson et al, in two studies within Victorian Counselling Agencies in 1997 and 1999. In 1997, 30% of the sample of 1,452 reported a gambling related offence, compared with 20% of 2,209 study participants in 1999.

The Productivity Commission conducted a survey of 404 clients of counselling agencies to estimate their involvement in gambling related criminal activity. Forty-four percent of survey participants reported involvement in gambling related criminal activity. Levels of debt were found to present a significant risk factor for involvement in criminal activity (Productivity Commission, 1999, Appendix H, p 5).

One of many research studies conducted by Blaszczynski and McConaghy involved a survey, conducted in 1994, of 152 hospital treated problem gamblers and 154 members of Gamblers Anonymous. They discovered that 59% of the overall sample (66% of Gamblers Anonymous clients and 53% of hospital treated gamblers) admitted to at least one gambling related offence. This study also found that gamblers with higher levels of debt were more likely to engage in criminal activity than those with lower debts (Blaszczynski, A. & McConaghy, N, 1994, pp 99–127).

Appendix B: Gambling related crime in South Australia—continued

It is noted that these and other studies of gamblers are subject to a number of methodological disadvantages. As mentioned, they only focus on gamblers who access services and who may therefore not be representative of all problem gamblers. In addition, self reported criminal activity can be dependent on such issues as the client telling the truth, interpretation of ‘criminal activity’ (eg. the person may view obtaining funds from their employer as ‘borrowing’), and remembered instances of such activity. Smith et al also note that:

- these surveyed respondents may be reluctant to divulge personal information to a stranger over the phone; and
- most problem gamblers in treatment/therapy have experienced the desperation phase of problem gambling where they are more likely to be involved in illegal activity, compared with the vast majority of problem gamblers in the general population who may be at a less advanced stage of addiction (Smith et al 2003, p 18).

Persons who come into contact with the criminal justice system

Persons apprehended by police

Little research has been conducted on the proportion of persons apprehended by police who commit gambling related offences. McCorkle (2002) used the DSM IV criteria to examine the prevalence, correlates and consequences of pathological gambling among arrestee populations in Nevada. He found that the prevalence of pathological gambling, at 14.5%, was 4.4 times greater than the estimated rate in the state as a whole. In addition, he reported that, of the offences committed by pathological gamblers, one in four assaults, one third of property offences, and one fifth of drug sales, were committed to get money to gamble, pay off gambling debts or were otherwise related to their gambling problem.

In a study on the link between gambling and criminal activity in Edmonton, Canada, Smith et al (2003) reviewed 5,196 police files. Using a broader definition of gambling related crime, which included incidents in and around gambling venues, as well as illegal gambling, they found 208 files (4%) included instances of gambling related criminal behaviour. However, they note that this is probably a modest portion of what really occurs because:

- information about whether or not the crime was gambling related is generally not central to the police investigation and so, may not be recorded by them, given that their primary role is to identify and apprehend suspects, and gather evidence that will substantiate (but not explain) the charges once the matter gets to court;
- many suspects refuse to answer questions unless their lawyer is present and even then are unlikely to provide in depth answers;
- many gambling related crimes are unreported, including thefts from a family member, and ‘trusted employees’ who steal from their employer to support a gambling addiction;
- for a significant number of reported incidents (44%) no suspect is identified; and
- research on gamblers in treatment and/or seeking counselling services indicates that over 50% admit to criminal behaviour to continue gambling, but only 20% have been convicted for a gambling related crime (Smith et al 2003 pp 80–81).

Smith et al also created a ‘Gambling Occurrence Report’ that was used by Edmonton Police Services (EPS) officers to record any gambling related occurrences or complaints during a six

Appendix B: Gambling related crime in South Australia—continued

month period in 2002. The experiment proved unproductive in that only 22% of the 119 known gambling related occurrences in the first six months of 2002 were identified in a Gambling Occurrence Report. The researchers speculate that EPS officers were ‘bogged down’ in paper work and the level of support from EPS administrators was insufficient to encourage officers to complete the reports (Smith et al 2003, p 81).

These findings highlight the limitations of police data to estimate the occurrence of gambling related crime, as well as potential difficulties in engaging police in supplementary data collection.

In South Australia, limited data on the *frequency* of gambling of arrestees is currently collected at two police sites through the Drug Use Monitoring in Australia (DUMA) project. Since April 2002, each quarter over a four week period, personnel contracted by an independent consultant conduct interviews with adult detainees who have been arrested in the previous 48 hours and are being held in custody. While the primary purpose of DUMA is to measure drug use, respondents are also asked how often they gambled in the last 30 days. If they indicate that they gambled at least once per week, they are also asked about the type of gambling. In the April-June quarter of 2003, 7% of Adelaide detainees and 7% of Elizabeth detainees indicated that they gambled at least three times per week. However, it is not possible from the information recorded to ascertain whether the offending was linked to their gambling behaviour.

Court defendants

In a study of prosecution files, the Australian Institute of Criminology and Price Waterhouse Coopers examined a sample of serious fraud prosecutions heard in 1998 and 1999 in Australia and New Zealand. In particular, documentary files such as police charge documents, witness statements, pre-sentence reports, offender prior criminal history transcripts, and trial judge sentencing remarks, were examined by researchers to determine the primary motivation for the offending. Overall, the sample comprised 155 separate files involving 208 persons of whom 183 were convicted. The study found that gambling was the second most frequent primary motivation of convicted offenders (14.7%) after greed (27.3%) (Sakuri, Y. and Smith, G. 2003 p 3-6).

More extensive research into court documentation of gambling related crime was conducted by Crofts in New South Wales in 1999. This consisted of an analysis of local and district court files that involved fraud, theft, and violence offences for the years 1995-1999 inclusive. Only cases where the matter was not referred to a higher court and where the defendant was found guilty were included. Documents were then searched for any indication that the offence was related to or committed because of the defendant’s gambling activity. Through this process, 105 of 2,779 files (3.8%) were found to be gambling related.

Only 63 of the 105 files contained sufficient information to allow more detailed analysis. Hence, although the methodology allowed for the inclusion of persons who commit crimes because of their gambling, it was not able to determine whether these persons were actually problem gamblers (unlike gambler studies). As Crofts noted, the main limitation “is the perceived irrelevance of gambling in the recording of criminal statistics.... the motivations of offenders are not recorded in official statistics” (Crofts, 2002 p 36).

Appendix B: Gambling related crime in South Australia—continued

In line with Smith et al, Crofts concluded that such research underestimates the prevalence of gambling related crime because:

- a large number of people who commit gambling related crime(s) do not come to the attention of the criminal justice system;
- the crime may not be serious enough to be detected either by the victim(s) or police;
- less serious offences may be resolved or hushed up within the family or company;
- the perceived irrelevance of gambling to crime reduces the likelihood that an offender will draw a link between their offending and gambling activities, or that police or prosecutors will ask for that information; and
- there is no incentive to admit a gambling problem, as offenders do not gain advantage by asserting they have a gambling problem (Crofts, 2002 pp 52–53).

Prisoners

As noted in a recent study conducted by the Centre for Gambling Research at the Australian National University, studies of correctional populations show much higher levels of problem gambling than those recorded for the general population (Centre for Gambling Research 2003 p 13). There have been four gambling prevalence studies within correctional populations in Australia, including one in South Australia in 1997, with estimates of problem gambling among offenders ranging between 17% and 30% (Centre for Gambling Research 2003 p 14). However, comparing these results is problematic, given that different ‘problem gambling’ screens were used in the studies (i.e. 6 month, 12 month and lifetime versions of the SOGS, and the Canadian Problem Gambling Index).

The South Australian study by Marshall et al (1997) interviewed 103 new inmates at Yatala Labour Prison. All participants were asked to complete a six month version of the SOGS questionnaire and were also assessed for other clinical syndromes. The study found that 33% (34) of the participants had a SOGS score of 5 and above. It was also found that 17.4% of the participants in this survey had a SOGS score of 10 or more. Of the 34 subjects with a SOGS score of 5 or more, 26 (76%) reported that they had committed a gambling related offence.

Research by Blaszczyński (1994) in Western Australia revealed that of a sample of 60 prisoners, 13 (21.7%) met the criteria of problem gamblers.

Boreham et al (1996) surveyed prisoners in Queensland with regard to poker machine gambling. Although the response rate was low, they found that of their sample of 74, 27% reported gambling daily or a couple of times a week, 31% reported experiencing personal or financial problems due to their gambling, and 7% reported that they had been incarcerated because of offences committed to obtain money to play the pokies.

A more recent study conducted in Queensland used the Canadian Problem Gambling Index and found that 17.4% of 178 prisoners surveyed had a gambling problem. Of these, 6.7% reported they were currently in jail for a gambling related offence, 7.3% indicated they had been convicted of a gambling related offence in the past, and 12.4% had committed a gambling related offence in the past without detection (Powis 2002, cited in Centre for Gambling Research 2003, p 27).

In New Zealand, Abbott et al (2000a and 2000b) found that 21% of 357 male prisoners and 33% of 94 female prisoners surveyed were lifetime probable pathological gamblers.

Appendix B: Gambling related crime in South Australia—continued

Approximately one quarter of the female prisoners surveyed indicated that they had committed a crime to obtain money to gamble or to pay gambling debts, while 19% said they had been convicted for a gambling related offence. These figures are higher than that obtained from the survey of male prisoners, with 15% reporting having committed a crime to obtain money to gamble, and 9% indicating they had been convicted for a gambling related crime.

Research in the United States has estimated the rate of problem gambling among prisoners at between 13% for ‘pathological gamblers’ (Walters and Contri 1998, cited in Centre For Gambling Research 2003, p 18) and 38% for ‘probable pathological gamblers’ (Anderson, 1999, cited in Centre for Gambling Research 2003, p 18).

Community Corrections clients

The recent Australian National University Centre for Gambling Research study (2003) surveyed the relationship between gambling and crime for 102 Australian Capital Territory (ACT) correctional clients who were either in custody on remand or who were under a community corrections order. The latter category included persons on probation, on parole, or undertaking community service. They were administered the SOGS questionnaire pertaining to both lifetime and 12 month gambling activities. Overall, the survey found that 34.3% of survey participants had some form of gambling problem, with 15.7% identified as having a severe problem. One quarter of the offenders that identified as problem gamblers said that their gambling had contributed to their offending, while 45.7% reported that they had ever stolen or obtained money illegally to finance their gambling or to pay off accrued gambling debts. Only 25.7% of problem gamblers identified in the survey indicated that they had sought help for a gambling problem. Of those who had sought help, some had done so in order to fulfil a court order (Centre For Gambling Research 2003 p 6).

Causal relationship between gambling and crime

Although the studies discussed above provide some indication of the prevalence of gambling problems in offenders, they do not necessarily indicate a causal link between offending and gambling. As highlighted in the Centre for Gambling Research study, the relationship can be characterised in three ways:

1. Co-incident: where there is no link between the gambling and the offending behaviour;
2. Co-symptomatic: where both the offending behaviour and gambling are symptoms of another underlying factor, such as poor impulse control; or
3. Instrumental: where gamblers offend to obtain money to support their gambling activities (Centre for Gambling Research, 2003 p 21).

Not all problem gamblers will commit a gambling related offence, and not all offenders with a gambling problem commit gambling related offences. As indicated in the South Australian survey of prisoners, 24% of offenders with a SOGS score of 5 or more had never committed a gambling related offence (Marshall et al 1997). Potenza et al argue that a certain proportion of gamblers (i.e. those who are classified as ‘action seekers’) engage in a variety of deviant and often criminal activities, as well as gambling to problematic levels, and it is likely that they would at some time be incarcerated irrespective of gambling behaviours (Potenza et al pp 338-341). Because such persons with characteristics akin to antisocial personality disorder are prevalent in prison populations, it becomes difficult to speculate about the causal relationship between gambling and criminal behaviour for a large portion of such a sample.

Appendix B: Gambling related crime in South Australia—continued

Offence types related to gambling

It is widely accepted that the main types of offences associated with gambling are generally non-violent property crimes (Marshall et al, p 2). Research by Blaszczyński et al in 1996 found that larceny and embezzlement were by far the most common offences perpetrated (35.4% and 40.5% of their sample respectively). Crofts found that gambling was particularly relevant to fraud and dishonesty offences committed against employers. Of the 182 larceny by a clerk/servant offences, 36 (19.7%) were gambling related (Crofts, 2002, p 53).

The Centre for Gambling Research study of correctional clients in the ACT found that the most serious current offences recorded for problem gamblers were property crime (37.1%), violent crimes (28.6%), and traffic offences such as drink driving. However, it was not clear whether these offences were gambling related (Centre for Gambling Research 2003 p 5).

In the survey of male prisoners conducted in 2000, Abbott et al found that burglary was the most frequently mentioned gambling related offence, followed by theft, fraud and robbery. In contrast, female prisoners mentioned gambling related fraud and shoplifting offences more often than male prisoners (Abbott et al 2000b).

There is little evidence that gambling is linked to non-property crimes, particularly violent crimes. This may be due to several factors:

- researchers may not be asking the right questions (for example, the Blaszczyński studies excluded such criminal activities because they did not fit within the direct/indirect definition used to determine gambling related crime);
- gambler based survey respondents may be less likely to admit to such crimes;
- police and prosecutors may be less likely to identify gambling as a motivating factor in cases involving serious violent offences;
- gambling is simply not related to non-property crimes at all.

Profile of individuals who commit gambling related crimes

Obtaining a profile of persons who commit gambling related crime has proved somewhat problematic due to issues of representativeness. Samples of gamblers seeking aid from counselling services such as Break Even not only rely on self-reported criminal activity but, it could be argued, focus only on a particular (and possibly unrepresentative) type of gambler. Samples of offenders are also skewed toward particular demographics.

Nevertheless, the different methodologies have produced somewhat similar demographic trends:

- Crofts' study found that the majority of offenders whose crimes were gambling related had completed at least year 10, but few had tertiary education, the majority were young (62% between 21-35) and 86 percent of the sample were male (Crofts, 2002 pp 61–63).
- Potenza et al distinguished between those who admitted illegal behaviour but had not been arrested, and those who had. The former group had a disproportionately higher number of females compared to the remainder of the sample, engaged in non-strategic forms of gambling, and started gambling at a later age. The latter group were predominantly male, engaged in multiple forms of gambling, and started gambling at an

Appendix B: Gambling related crime in South Australia—continued

earlier age. This group was also more likely to have substance abuse problems and experience higher levels of depression or anxiety (Potenza et al, p 393-401).

- A number of co-morbidity studies have shown a tendency for drug and/or alcohol abuse among persons with gambling problems (Petry and Tawfik 2001, Welte et al 2001 cited in Centre for Gambling Research 2003).
- Marshall et al (1977) found that offenders who had a gambling problem were highly likely to have a father or a sibling with a gambling problem.
- The study by the Centre for Criminology and Criminal Justice noted that young, single males on low incomes featured prominently in the group who had appeared at court or served a sentence for a gambling related offence (Centre for Criminology and Criminal Justice, Monash University p 36).

Key findings from the literature review

- Research has focused on the prevalence of gambling related crime within different subgroups, namely: problem gamblers within the general population; problem gamblers who access treatment and counselling services; and persons who come into contact with the criminal justice system.
- The prevalence of gambling related crime varies according to the subgroup examined, as well as the measures used.
- Of the three subgroups, population studies generally show the lowest rate of gambling related crime among persons identified as problem gamblers. The latest figures in South Australia show that between 0.8% and 1.6% of problem gamblers within the population were involved in a gambling related crime. Other studies from within Australia have put this figure as high as 15%.
- The percentage of problem gamblers in treatment or counselling who commit gambling related crime among is estimated at between 20% and 60% in Australia. There are no equivalent figures for South Australia.
- While few studies of official crime data have been conducted to date, research using Canadian police and New South Wales court files found much lower prevalence of gambling related crime (2.67% and 4.0% respectively) compared with studies on problem gamblers who access services, and prisoners. It was noted that both police files and court files have a number of limitations as a measure of gambling related crime and will most likely underestimate its occurrence.
- The percentage of prisoners in Australia who are assessed as problem gamblers, as identified in various studies, varies between 17.4% in Queensland and 33% in South Australia. However, caution should be used when comparing these figures due to the varying measures used.
- An unknown percentage of gambling related crime will never be quantified because:
 - a number of offences will never be detected;
 - even if detected, offences may not be reported to police;
 - not all problem gamblers access treatment services; and

Study into the relationship between crime and problem gambling

Report to the Minister

Appendix B: Gambling related crime in South Australia—continued

- not all problem gamblers who access services will disclose criminal activities.
- The causal relationship between gambling and crime has not been determined. Research has demonstrated that many problem gamblers do not commit offences and that many prisoners identified as problem gamblers have committed offences not related to their gambling.

Appendix B: Gambling related crime in South Australia—continued

SECTION 3: REVIEW OF DATA SOURCES ON GAMBLING RELATED CRIME

This section outlines the results of an extensive search for valid and comprehensive South Australian data sources on gambling related crime.

As indicated in the literature review, there are several key sources of data on gambling related crime: notably, population prevalence studies on problem gamblers; data collected on problem gamblers who access help services; and offender data. Table 1 lists the agencies in South Australia that may collect data on gambling related crime, cross-referenced to type of data.

Table 1: Potential data sources for gambling related crime, cross-referenced to data type

| <i>Type of data</i> | <i>Data Source—Key Agency</i> |
|---|---|
| 1. Problem gamblers within South Australian community | <ul style="list-style-type: none"> • Department of Human Services (DHS) (Centre for Population Studies) |
| 2. Problem gamblers who access information/counselling services | <ul style="list-style-type: none"> • Department of Human Services (DHS) (Break Even Network) • UnitingCare Wesley Adelaide (financial counselling service) |
| 3. Individuals who come into contact with the criminal justice system including: <ul style="list-style-type: none"> • individuals who are apprehended by police • defendants appearing in court • persons sentenced to community corrections or imprisonment | <ul style="list-style-type: none"> • South Australian Police (SAPOL) • Drug Use Monitoring in Australia (DUMA) • Courts Administration Authority (CAA) • South Australian Police Prosecutions • Legal Services Commission (LSC) • Director of Public Prosecutions (DPP) • Department for Correctional Services (DCS) • Prisoner Support Services (Community Corrections, Offender Aid Rehabilitation Service) |

Once the appropriate agencies potentially involved in data collection were identified, key informants were sought within each agency, where applicable. These included persons in policy/management roles who could provide a broad agency perspective; persons involved in the development and maintenance of databases and data collections; and staff directly involved in the collection of information.

The results of the consultations are summarised below.

Appendix B: Gambling related crime in South Australia—continued

Data sources on gambling related crime among problem gamblers in the general South Australian population

The main population survey on the prevalence of gambling related crime among problem gamblers in South Australia was conducted in 2001 by the SA Department of Human Services (DHS). As indicated in the review of recent literature, this study estimated the proportion of the South Australian adult population who were problem gamblers (defined as scoring five or more on the SOGS). Those respondents identified as problem gamblers were asked three questions about legal issues:

- whether, in the previous 12 months, gambling had led them to obtain money illegally;
- whether they had been in trouble with the police because of activities relating to gambling; and
- whether they had appeared in court on charges related to gambling.

While this survey was useful in providing prevalence estimates, its main drawback is the fact that it is not conducted on a regular, ongoing basis. The Department is currently investigating options for future surveys.

Data sources on gambling related crime among problem gamblers who access treatment/counselling services

Break Even Network

Formal data system

The South Australian Break Even Network, which is supported by the Gamblers Rehabilitation Fund (GRF)¹, comprises 14 agencies contracted through the Department of Human Services to provide a range of services to the community, including: information, individual counselling, support groups, community education and intensive in-patient therapy. While some of these 14 agencies provide a statewide service, others are contracted to service specified regions within the state and metropolitan area. The network also comprises agencies who provide support to culturally and linguistically diverse groups including the Indigenous, Cambodian, Vietnamese and Chinese communities. The latest available figures indicate that a total of 808 clients were registered by all of the South Australian Break Even agencies during the last six months of 2002. Of these, 565 (70%) were gamblers and 243 (30%) were non-gamblers.

While a number of private providers currently operate in South Australia, the Break Even Network covers the majority of problem gambling services within the State. As such, they are in a unique position to obtain information from problem gamblers who present for services, including data on crime related to gambling.

¹ Following the introduction of gaming machines in hotels and clubs in South Australia in 1994, the State Government established the Gamblers Rehabilitation Fund (GRF). The GRF receives contributions from the Australian Hotels Association, Clubs SA and the South Australian Government. The GRF is administered by a committee consisting of members of the gambling industry, peak community groups, government departments and concerned individuals. The committee reports to the Minister for Social Justice through the Department of Human Services. In addition to providing funding for gambling research, community education and statewide advertising, the GRF supports the Break Even network of treatment and support services for problem gamblers. (*Gambling Matters* Edition 1, June 2003, Department of Human Services).

Appendix B: Gambling related crime in South Australia—continued

As part of their funding agreement with DHS, the Break Even service providers are required to collect and record a minimum set of data items on those individuals who contact and use the service. This information is generally collected at the first (assessment) interview with the service and includes demographic details such as sex, age, occupation, language and income. Break Even agencies are also required to administer a number of diagnostic and demographic tools to the clients, including South Oaks Gambling Screen, the Marks-Parkin General Health questionnaire, the Index of Family Relations, and the Work and Social Adjustment Scale.

The data collected by the Break Even Network is de-identified (i.e. the client is made anonymous), and forwarded to DHS on a quarterly basis for analysis. However, to date, only limited information has been published.

The minimum data set has recently been the subject of an extensive review by DHS and Break Even Network agencies. This has resulted in some procedural changes, designed to ensure a more comprehensive collection process. For example:

- At present each client must give written consent for data beyond basic demographic information to be forwarded to DHS, but less than half were doing this. This requirement has been removed, on the basis that the de-identified data received by DHS are anonymous anyway.
- Agencies will also be able to collect outcome data at regular intervals, rather than waiting for a formal exit interview, which did not happen in many cases.

There have also been some changes to the questions, with some being deleted and additional sub-categories added to others. The psychological scales have been altered, with the Marks-Parkin being replaced by the Kessler 10 and a suicide ideation scale devised by Bob Goldney et al being added.

However, neither the current nor revised data sets (to be implemented in 2004) require the collection of any information on the criminal behaviour of problem gamblers who access the Break Even services.

Informal data systems within individual agencies

While the required minimum data set for Break Even agencies does not include direct information about gambling related crime, interviews with individual service providers found that most agencies at least discussed these issues with clients and some recorded summary information in case notes. In a number of cases, a criminal act is the precipitating reason for the client accessing the service. For example, the client may be referred to the service by a solicitor after being apprehended for an offence. Alternatively, the client may not have had contact with the police, but may have been caught stealing from an employer or a family member, who has convinced them to seek help.

At present, two Break Even agencies directly ask clients during the assessment interview whether they have been involved in any illegal activities. Specifically, clients are asked whether they have stolen to gamble and whether they have committed any illegal acts to obtain money. Such information is recorded in a summarised form in case notes.

There were six agencies that indicated that, while they did not directly ask about illegal activities, they probed about the impact that problem gambling had had upon the client's behaviour. This probing sometimes led to an admission of an offence. Of these, three services said that they would record such information in case notes.

Appendix B: Gambling related crime in South Australia—continued

A further two agencies noted that they do not ask about illegal activities, either directly or indirectly, but would record some details on case notes if the client volunteered such information.

While the Break Even agency case notes are a potential source of data on gambling related crime, for reasons of confidentiality, they are not readily accessible for research purposes. In any case, this information is not routinely recorded by all services. A number of the Break Even agencies indicated that, due to concerns that case notes may be subpoenaed, they do not record such information (whether requested or volunteered), or it is noted to a very limited extent.

The Gambling Help Line

The Gambling Help Line is also part of the Break Even Network. The Help Line provides a free, 24 hour, 7 day per week telephone information, counselling and referral advisory service for South Australians who are adversely affected by problems related to gambling. The service is currently provided by the Drug and Alcohol Services Council's Alcohol and Drug Information Service (ADIS).

For many, the Gambling Help Line is the first access point for information, advice and support in relation to problem gambling. Calls may be brief or may last up to 40 minutes. The service is immediate, anonymous and confidential. As a result, it differs from the other Break Even agencies that provide face to face counselling, often over an extended period of time.

For each call received by the Help Line, a range of data is collected and entered directly into a database, as listed below:

- type of caller (e.g. gambler, friend, parent, partner or other relative, member of community requesting information);
- type of call (first or repeat);
- gambling type;
- primary reason for call (e.g. debts/financial issues, legal issues, referral to service provider, or general advice or information about problem gambling);
- motivation to gamble (e.g. anxiety, boredom, depression, entertainment, excitement);
- level of risk (as assessed by the counsellor);
- previous help sought (e.g. Break Even, Gamblers Anonymous, Pokies Anonymous);
- assistance provided by Help Line (e.g. counselling, crisis management, emergency response, information – verbal or written, referral to provider);
- type of assistance required when referred;
- referral to Break Even agency;
- where did they hear about the service;
- demographic details (gender, age, marital status, country of birth, Indigenous status, main language at home, suburb); and
- duration, date and time of call.

Appendix B: Gambling related crime in South Australia—continued

At present, no information regarding gambling related crime is directly sought from callers. Informants from the Help Line indicated that some callers did disclose offences that they or their friend or relative had committed as a result of problem gambling. However, this information is not recorded and a notation on the database is only made if the counsellor opts to identify either “stealing” and/or “legal” as the ‘primary reason of call’.

Data sources on gambling related crime by individuals who come into contact with the criminal justice system

The following section outlines the results of a review of data collections involving persons who have contact with the criminal justice system.

SA Police data—persons apprehended

When a criminal incident is reported to or identified by SA Police (SAPOL), or when an individual is apprehended by police, a range of information is entered directly into SAPOL’s electronic data bases via two applications—Police Incident Report and Apprehension Report.

The Police Incident Report application includes:

- demographic information about the persons involved in an incident;
- number and type of offences involved;
- date and time of the incident;
- address where the incident occurred;
- modus operandi (e.g. location type, weapons used, injuries, entry method and entry point for break ins, the type of physical act for assaults).

Because the Police Incident Report focuses primarily on the victim and the incident itself, there is very little (if any) scope to record details about the offender, particularly as in many crimes, the offender (and by extension, his or her motivation for committing the crime) are not known to the victim.

The Apprehension Report application includes:

- demographic details on the person apprehended (name, address, age, date of birth, sex, Indigenous status, marital status, employment status);
- number and type of charges laid against them;
- date and time when the alleged offence occurred;
- name of the reporting officer; and
- links to the original Police Incident Report .

There are currently no specific data fields within the system for police to record systematically whether the offending was related to problem gambling. However, ‘Offence details – Summaries of Evidence’ relating to the offending incident, such as witness accounts and the accused’s version of events, are included in the Apprehension Report record. It is possible that a link to gambling may be contained within these summaries. For example, the accused may admit to a poker machine addiction as the reason for the offending.

Appendix B: Gambling related crime in South Australia—continued

The Summaries of Evidence section of the Apprehension Report is at present the only potential source of data on gambling related crime within the SAPOL data collection system. However, it has a number of limitations. Police efforts are generally focused on proving that an offence has occurred and identifying the person(s) responsible. There is no requirement to obtain information on the factors that may have motivated the offending behaviour, such as alcohol, drugs, mental health issues, or gambling. Even when information that links the offence to gambling is volunteered, there is no requirement for it to be recorded.

In addition, the only way to extract data from this section of the Apprehension Report is to manually search the records. There is no function within the SAPOL database that would allow a more efficient electronic search of the information recorded in the Summaries of Evidence section.

Finally, given that not all offences are reported to police, and not all offenders are apprehended by police, Apprehension Reports are not necessarily representative of all offenders.

The results from a detailed search of Apprehension Reports for any information on the relationship between gambling and crime are included in Section 4 of this report.

Drug Use Monitoring in Australia—arrestee data

As indicated in the Literature Review, the Drug Use Monitoring in Australia (DUMA) project currently operates at two sites in South Australia – at the Adelaide City Watch-house and the Elizabeth Police Station cells. Each quarter, over a four week period, interviews are held with adult detainees who have been arrested in the previous 48 hours and are being held in custody. While the primary purpose of DUMA is to measure drug use, two questions about gambling are included in the questionnaire:

- how often they gambled in the last 30 days; and
- type of gambling (for those who indicate they have gambled at least once per week).

In addition to the core questionnaire, addendums on a variety of topics are also conducted. During the fourth quarter of 2003, an addendum on gambling behaviour will be included as part of the DUMA questionnaire. Specifically, this addendum will include questions on the amount of offences committed by the arrestee within the previous 12 months that were gambling related (e.g. all, most, half, some and none) as well as the types of offences.

While DUMA is limited to a specific group of individuals (i.e. arrestees) held at only two locations (Adelaide and Elizabeth), it does provide a supplementary source of information on the incidence of gambling among offender populations.

Courts Administration Authority data—defendants processed by the court

Electronic data bases

The Courts Administration Authority's CrimCase Database (Criminal Case Registry System) has been in place since the late 1980s. It is an operational database, primarily designed to record outcomes for, and track the progress of, individuals involved in the court process. It covers the Youth Court, the Magistrates Court, the District Court and the Supreme Court.

Appendix B: Gambling related crime in South Australia—continued

For each court hearing, a wide range of information is recorded on the database including:

- court file number;
- defendant's name and date of birth;
- charges laid;
- whether the defendant attends court or not;
- if attending, whether they are appearing from custody or not;
- names of the presiding Magistrate/Justice/Judge and Prosecutor;
- whether the defendant is represented;
- name of the defendant's solicitor (if any);
- type of solicitor (e.g. duty, or other);
- defendant's plea (if any);
- if the charge is not finalised:
 - whether the matter has been adjourned and reasons for adjournment;
 - whether the defendant is remanded in custody at the end of the hearing;
 - whether the defendant has applied for bail;
 - bail outcomes (e.g. granted, refused, bail to continue);
 - reasons for bail refusal (if applicable);
 - bail conditions (e.g. to reside at...not to make contact with...);
- if the charge(s) have been finalised:
 - outcome (e.g. withdrawn, dismissed, convicted);
 - penalty (e.g. fine, bond, community service, imprisonment).

The information is recorded in two ways – either directly onto the database by the Clerk of Court during the hearing, or by notation on the hard file, which is then entered into the database by an officer within the Court Registry.

Even if details about the general circumstances of the offending incident or the background of the defendant (such as whether he/she has drug and alcohol issues or problem gambling) are mentioned by the prosecution and defence counsel during a hearing, there are currently no fields within the database to record such information. Nor is any notation required on the hard file.

Appendix B: Gambling related crime in South Australia—continued

Reports

Apart from the data entered onto the electronic database, the hard court file may also contain copies of a range of reports. For example:

- In certain cases, the judicial officer may request that a bail enquiry report or a pre-sentence report be completed by the Department for Correctional Services' Courts Unit which is located at the Adelaide Magistrates Court.
 - Bail enquiry reports provide information on a defendant's circumstances designed to assist the court in determining the risk associated with a defendant's release on bail, including such issues as accommodation, employment, family and community ties, previous contact with Department for Correctional Services, as well as drug and general health (Courts Administration Authority (CAA) website). While problem gambling may be noted in these reports, it is acknowledged that the assessment is limited due to time constraints (reports are generally required within three to seven days) and that a gambling problem may not always be identified. In addition, bail enquiry reports are only requested for a minority of all persons who appear in court. As such they provide a very limited source of data on gambling related crime.
 - Pre-sentence reports, which may be requested by the court after a conviction has been recorded but before a sentence has been handed down, focus on identifying personal problems, values and attitudes that may have contributed to the offender's behaviour. They provide information about specific programs that may help address underlying problems and so, reduce the risk of re-offending (CAA website). As a result, they are more likely than bail enquiry reports to include a reference to gambling. However, as with bail enquiry reports, pre-sentence reports are only requested in a minority of cases and so, would not provide a comprehensive source of data about gambling related crime.
- Psychological or psychiatric reports may also be tendered to the court or requested by the presiding officer, particularly in those cases where defence counsel wishes to claim that the defendant has a particular problem which led to the offence, such as addiction to gambling, a drug problem or a mental impairment.

Once considered by the court, in most cases the original reports are retained on the hard file and are only accessible by manually checking these files. No copies are stored electronically within the CrimCase database.

Sentencing remarks

Remarks made by the judicial officer at the time of sentencing are another potential source of data on gambling related offending. Sentencing remarks from cases heard in the District or Supreme Court are publicly available on the CAA website. Discussions with key informants also indicated that, in general, sentencing remarks are likely to provide a valid measure of the number and proportion of *higher court* cases where gambling was cited as a primary motivating factor. It was noted that, if this factor had been raised at any point during the court process as the major reason for the offending, it would almost certainly be mentioned by the judicial officer in his/her sentencing remarks, even if only to dispute that assertion. However, it was also suggested by one informant that gambling may not be raised in sentencing remarks if there were other factors present, such as drug use, that were seen as a more significant contributor.

Appendix B: Gambling related crime in South Australia—continued

Overall though, the matters heard in the District and Supreme Courts represent only a minority of court matters. There are thousands of matters each year dealt with by the Magistrates Court where a guilty plea is entered and for which no transcript is taken. Even when sentencing remarks are recorded in a Magistrate Court case they are not easily accessible as they are stored on the hard file in the original shorthand form.

In summary, the CAA data base system does not record the motivations or circumstances of an offence. Any reference to such factors can only be identified incidentally, either through reports that are requested by or tendered to the court (and these may or may not be included on the hard file) or through references in the sentencing remarks.

The results of a detailed examination of Magistrate Court files and Higher Court sentencing remarks are included in Section 4 of this report.

Prosecutions data—defendants processed through the courts

Police Prosecutions Section

Police perform the bulk of prosecution duties required within the Magistrates Courts. Key informants advised that Police Prosecutions do not collect or maintain any data additional to that provided by the investigating officer in the original case file. If new information were required by the prosecutor, it would be returned to the reporting officer for enquiry. While a police prosecutor may receive information regarding a link between the offence and gambling and may make a notation on the police file, there are no formal requirements for this information to be recorded.

Office of the Director of Public Prosecutions (DPP)

In general, prosecutors from the DPP only deal with matters in the District and Supreme Courts, as well as a small number of more complex fraud matters in the Magistrates Courts. While they are aware of court matters that are linked to problem gambling, it was noted that such information is usually disclosed at the time of sentencing submissions. Some information may come to them if the accused person has given a record of interview and has raised the issue of a gambling problem.

The DPP has a file management database (Crimes 2000), which records the file number and name of the defendant, the offence(s), victim's name, name of police investigator, and the outcomes of the case. The database is primarily used to track the progress of a case and does not have any provision to record information about the circumstances of the case. More detailed information is retained on hard files. As with police records, these files may include information about the relationship between the offence and gambling, but such information is not actively sought and is not routinely recorded.

Office of the Commonwealth Director of Public Prosecutions

The Office of the Commonwealth Director of Public Prosecutions was also consulted about its role in the prosecution of social security fraud offences. The informant advised that they were aware of social security fraud cases that were linked to the defendant's need to obtain money to gamble. However, as with South Australia's DPP, they would not generally record this information in their case files and there is no capacity to enter it onto their electronic database.

Appendix B: Gambling related crime in South Australia—continued

Legal Services Commission data—defendants

Discussion with key informants from the Legal Services Commission (LSC) indicated that gambling does arise as an issue in the process of assessing people charged with offences; either as a general element in their lives, as a factor that has exacerbated their situation, or precipitated it. Information on the relationship between offending and gambling would generally come to the attention of criminal lawyers within the service, rather than to Duty Solicitors whose primary role is to prepare applications for bail and to deal with less complex offending matters.

A criminal lawyer from LSC indicated that sometimes the client will volunteer the information, particularly if they have already sought assistance for the problem. On other occasions, clients refer to general financial difficulties without being specific. It may be pointed out to them that their financial commitments do not seem to explain where all of their money has gone and that, in the absence of any explanation, the court is likely to conclude they have simply been greedy. This sometimes leads to the disclosure of a problem with gambling, drugs or alcohol. The informant also indicated that, as a matter of routine, he asks each of his clients if they have any problems with drugs, alcohol, gambling or mental health problems. While truthful answers may not be given, it provides an opportunity for clients to disclose a problem that they may not otherwise volunteer.

The Legal Services Commission currently maintains a database that is part of a national grid system used by all legal aid commissions in Australia. The database is primarily a client record management system, including names and contact details, date of birth and offence type. No information about the circumstances of the matter is recorded on this database, with all such information being noted in hard files.

Diversionsary courts/programs

In South Australia there are currently three specialist ‘diversionary’ court programs: the Drug Court, the Magistrates Court (Mental Impairment) Diversion Program, and the Violence Intervention Program. In general, where defendants are identified as having particular problems contributing to their offending, they will be referred to these programs for assessment as to their suitability to engage in the program. If accepted, they will be placed under the supervision of a case manager who will link the defendant with a range of services to address their particular issues. Informants in relation to these programs advised that, while the issue of problem gambling may arise as part of the assessment and case management process, no information is currently collected or recorded in relation to gambling behaviour.

Department for Correctional Services (DCS) clients

Individuals may come into contact with the Department for Correctional Services in a number of ways: as unsentenced remand prisoners (remandees), as sentenced prisoners, or as part of a community based order (Community Corrections).

Unsentenced remand prisoners

When alleged offenders are refused bail by the courts, they are held on remand in a DCS facility until such time as they are granted bail or sentenced. The majority of male remandees are accommodated in either the Adelaide Remand Centre or Yatala Labour Prison. The majority of female remandees are held in the Adelaide Women’s Prison.

Appendix B: Gambling related crime in South Australia—continued

The initial assessment conducted at these facilities involves the collection of basic demographic information, a medical assessment, and stress screening to identify if the person is at risk of self harm. According to DCS informants, it is unlikely that problem gambling would be identified at this stage, and even if it were considered to be a significant issue, there are no mechanisms available to record such information.

Sentenced prisoners

All persons sentenced to imprisonment in a South Australian correctional facility undergo some form of assessment. The assessment process is stipulated in the *Corrections Act* Section 23, and is dependent upon sentence length.

Prisoners with a sentence of 6 months or longer

Prisoners with a sentence of 6 months or longer are assessed by a social worker in the Prisoner Assessment Unit within 6 to 8 weeks of sentencing. DCS routinely uses the Wisconsin needs/risk assessment tool to screen for criminogenic need. However, there is no detailed assessment of problem gambling within the assessment process.

The information collected at assessment is used to produce an Individual Development Plan (IDP) for the prisoner, which reports under a number of categories including:

- Wisconsin Score;
- special needs (i.e. psychotic, sex offender);
- victim awareness;
- offence issues (types of offending leading up to the current offence);
- family and social networks;
- home detention and parole issues;
- behaviour;
- alcohol and drugs;
- education/vocation; and
- prison employment.

The IDP is entered directly into the DCS database. The electronic screens allow 99 lines of text in each category. Approximately 8 to 10 IDPs are produced by the Prisoner Assessment Unit per week. Of these, about 6 per month are identified as having special needs and are referred to a psychologist within the Unit.

If gambling is identified as a criminogenic need, it will be in the ‘Offence Focus’ section – where referral for counselling will be noted. As there is currently no prison-based program for individuals, the Prisoner Assessment Unit will make a referral for counselling on a one-to-one basis with a social worker.

IDPs can be accessed via the Justice Information System (JIS) database used by South Australian Justice agencies. As indicated, if an individual is assessed as having a gambling problem, this would be recorded in the ‘Offence Focus’ section. However, there is currently no way to extract such records, except on a case-by-case basis.

Appendix B: Gambling related crime in South Australia—continued

Prisoners with a sentence of six months or less

The majority of prisoners are sentenced to terms of six months or less. These prisoners are reviewed and their security rating set by local prison management. An assessment is conducted by a Case Management Coordinator, who is an operational staff member and not a social worker. This assessment is usually completed at the time of entry to the institution and a program plan is developed along similar lines to the IDP, but with less depth. The Wisconsin tool is also used for this process.

Community Corrections

DCS is also responsible for community based services involving the supervision of offenders in the community who are either on parole, home detention, supervised bail, or undertaking a supervised good behaviour bond or a community service order. As at 30 June 2002, there was a total of 7,006 individuals under one or more such orders (DCS Annual Report, 2002, p 42).

Offenders referred to DCS for community based supervision are allocated a case manager who assesses their risk of re-offending and any needs they have related to their offending. A case plan is developed over a period of 8-10 weeks that aims to address their offending behaviour. Offenders on community service orders are generally assessed only for the nature of the offence and the appropriate work location, while offenders on bail rarely have an assessment for re-offending undertaken.

As with prisoners, the primary assessment tool used for persons under community based supervision is the Wisconsin needs/risk assessment. Information is generally recorded in assessment notes and case plans that are entered onto the Community Corrections Case Management System database, which is part of the Justice Information System (JIS). However, this information is only accessible on a case-by-case basis. If an offender is identified with an offence-focussed risk of gambling, a goal is developed within the case plan, in agreement with the offender, to attend an appropriate counselling service (e.g. Gamblers Anonymous).

In response to concerns that the Wisconsin tool is out of date, static, and less valid within the Australian context, DCS is currently investigating alternative methods of assessment for criminogenic need, including the New Zealand-designed Criminogenic Needs Index (Centre for Gambling Research, 2003 p 30). The semi-structured interview format of the latter contains a gambling component designed to address whether gambling is temporally and behaviourally associated with offending (Centre for Gambling Research, 2003 p 33).

Summary of Correctional Services data

There is currently no process within the Department for Correctional Services that directly assesses whether a person has a gambling problem and whether that is linked to the offending behaviour. While problem gambling may be identified during the continued assessment/case management process, it was acknowledged that it might not be picked up at the point of entry to a correctional facility or service, particularly for short term prisoners or where the offender exhibits a range of problems, such as drug and alcohol abuse.

In cases where it is identified that the person has a gambling problem, this information would generally be recorded in individual case notes or case plans only. Assessment information is stored electronically for prisoners and offenders with an IDP (i.e. longer term prisoners) but

Appendix B: Gambling related crime in South Australia—continued

there is no function available at present to extract this information except on an individual case-by-case basis.

Prisoner support services

The Offender Aid and Rehabilitation Services of South Australia (OARS SA) provides a range of services for people in prison or leaving prison, and their partners, children and wider families. The services include: counselling (drug, family and financial), accommodation, prison visiting and pre-release preparation, and emergency assistance. It is estimated that OARS SA staff have contact with about 25% to 30% of prisoners and community corrections clients, and 50% of families of clients.

Informants from OARS SA indicated that they collect a range of data from clients, but that the type of data collected is usually based on the needs of the agency providing funding for the particular program or service. This includes demographic information about the client, as well as data on drug use and financial information. No information is currently required with regard to gambling behaviour, although it may be recorded in case files if such information was disclosed during counselling. While OARS SA has a database system, there is no capacity to record details about gambling behaviour.

Juvenile offenders

While the issue of problem gambling among young people has not been considered in this report, it is worth noting that, in addition to records maintained by the Youth Court (which use the same system and methodology as the adult courts), there are other access points for young offenders within the criminal justice system where gambling related crime may be identified.

Police cautions

Information on young people who receive a formal police caution is entered onto SAPOL's apprehension database described earlier. In addition to the standard range of information recorded for all apprehensions, some additional fields record whether an undertaking was entered into by the young offender as part of that caution and whether that undertaking was complied with. Again, no details on factors such as gambling are captured.

Family conferences

Offences, which are considered to be too serious for a formal police caution, may be referred to a Family Conference. Each conference is convened by a specialist Youth Justice Coordinator, whose task is to bring together in an informal setting, those people most directly affected by the young person's offending behaviour and, through a process of negotiation, identify what the young person needs to do to repair the damage caused, particularly to the victim.

Informants from the Family Conference Team advised that gambling will occasionally arise as a factor in the offending behaviour of a young person, but the proportion of cases is very small. Even if such information were received by the coordinators, they would be unlikely to record it, as they do not take extensive case notes. Records maintained by the team generally include the outcome of the Family Conference (such as whether the matter was resolved or not) and what undertakings were agreed to.

Appendix B: Gambling related crime in South Australia—continued

Youth in secure care

Since 1994, youths admitted to South Australia's two secure care centres (Magill Training Centre and Cavan Training Centre) whose stays are expected to be longer than a few days, are routinely assessed using the Secure Care Psychosocial Screening (Putniņš, 1998). This is an initial brief assessment of various psychological and social need areas. Examples of issues covered include: numeracy, literacy, intellectual functioning, social relationships, mood, self-harming, attention deficit hyperactivity signs, anger and aggression, and substance use.

Assessed youths include both those on remand, as well as those sentenced to a detention order by the Youth Court. The assessments are carried out by youth workers, psychologists or social workers, and take about 30 minutes to complete. The results are entered into an electronic database, which currently includes approximately 1,100 assessments. Data can be extracted from the database in summary form.

However, the assessment process does not currently include any reference to gambling. A key informant from this area noted that gambling did not appear to be a particular problem with this group of youths and that substance abuse was much more prevalent.

Summary of review of data sources on gambling related crime

Overall, the review confirmed that there is no systematic and ongoing collection of data that can be used as a valid measure of the extent and nature of gambling related crime in South Australia. While some information is available (e.g. from police and court files) most of the data is difficult to access and varies considerably in comprehensiveness. As a result, any attempt to quantify the extent of gambling related crime from these sources would most likely be an underestimation.

Appendix B: Gambling related crime in South Australia—continued

SECTION 4: ANALYSIS OF AVAILABLE DATA IN SOUTH AUSTRALIA

This section presents the results of analysis of available data in South Australia on gambling related crime.

As noted earlier, one method of investigating the link between gambling and crime is to examine the official records held by criminal justice agencies to identify those persons actually charged with an offence. Such an approach has been adopted here.

This section begins with an analysis of police Apprehension Reports, is followed by an examination of court documents, including sentencing remarks, and concludes with a brief summary of the information obtained on the extent and nature of gambling related crime from the consultation phase of the project. It should be noted that no correctional services data was available for analysis.

Analysis of Police Apprehension Reports

An Apprehension Report is completed each time SAPOL apprehends an alleged offender either by way of an arrest or a summons. Each Apprehension Report contains quantifiable information relating to the accused (such as sex and age) and the offence (including date, type of offence and type of weapon used, if any). In addition, each report includes a ‘narrative’, or a short textual description of the incident, including accounts provided by the alleged offender, the victim and any witnesses. The narratives provide a much greater understanding of the circumstances of the offending than can be gained from an analysis of the quantifiable information only.

Methodology

Apprehension Reports selected

In 2001, SA Police filed a total of 57,808 Apprehension Reports. To determine the proportion of these apprehensions where the offending seemed to be gambling related, a sample of 800 were extracted and the narratives reviewed. While more recent data were available, reports completed in 2001 were chosen for analysis to ensure sufficient time had elapsed for the matters to be referred to court. This enabled the tracking of any gambling related reports through to the courts to determine outcomes (i.e. guilty or dismissed) and penalties, as well as to assess the capacity of the court to record a link between gambling and the offending.

Offence types selected

To focus the study on the most relevant offence types, Apprehension Reports were selected for analysis if they included at least one offence from any of the following eight broad offence types: *assault*, *drug offences*, *fraud*, *larceny*, *larceny of a motor vehicle*, *receiving*, *robbery* and *serious criminal trespass*. As indicated, previous research suggests that there is a strong link between problem gambling and property crime. Hence, six of the eight nominated offence types were property offences. Apprehension Reports involving drug offences were included because there is substantial evidence to suggest a link between drug use and problem gambling. In addition, Apprehension Reports including at least one *assault* charge were also selected because, while there is some anecdotal evidence to suggest an indirect link between gambling and domestic violence, little research has been conducted in this area.

Appendix B: Gambling related crime in South Australia—continued

Sexual offences, driving offences and offences against good order were excluded from the study because there is little evidence (statistical or anecdotal) to suggest that these offences are gambling related.

From the total number of reports that were completed in 2001, 100 Apprehension Reports in each of the eight nominated offence groups were randomly selected for review. Overall, 800 Apprehension Reports from 2001 were extracted from the SA Police database and searched on-line for any reference to gambling.

The offence or offences listed on the Apprehension Report were considered to be *gambling related* if there was information to the effect that the offence:

- was motivated by the need to obtain funds to gamble, to repay gambling debt, or to cover shortfalls in living expenses due to gambling ('direct'); or
- occurred as a result of the stresses associated with problem gambling, such as domestic violence ('indirect').

In keeping with the definition of gambling related crime discussed previously, the location of an offence within a gambling or gaming venue was not sufficient for it to be classified as *gambling related*.

Findings

Of the 800 reports reviewed:

- Six were found to have a 'direct' link to gambling, of which:
 - two involved a fraud offence, one involved larceny, two involved robbery and one related to serious criminal trespass, meaning that, 2% of fraud apprehensions, 2% of robbery apprehensions, 1% of larceny apprehensions, and 1% of serious criminal trespass apprehensions, included information linking the offence to problem gambling;
 - five of the six apprehension reports involved the admission by the accused of an 'addiction' to gambling, and the remaining one indicated that he had spent all his money on gambling;
 - there was no indication that police had sought a motivation for the offending or had suspected that the offending may be linked to problem gambling.
- none of the Apprehension Reports involving an *assault*, a *drug offence*, *larceny of a motor vehicle* or a *receiving* offence contained sufficient information to suggest that they were gambling related, as defined in the study.

These results are summarised in Table 2.

Appendix B: Gambling related crime in South Australia—continued

Table 2: Apprehension Reports in 2001 by selected offence type—percentage indicating the offence was gambling related (based on a sample of 100 for each offence)

| <i>Offence type</i> | <i>Total number of Apprehension Reports in 2001 involving at least one offence of this type</i> | <i>% of Apprehension Reports indicating offending was gambling related (based on a sample of 100 for each offence)</i> |
|----------------------------|---|--|
| Assault | 5,450 | 0 |
| Drug Offences | 393 | 0 |
| Fraud | 1,089 | 2 |
| Larceny | 4,442 | 1 |
| Larceny of a motor vehicle | 1,336 | 0 |
| Receiving | 2,166 | 0 |
| Robbery | 290 | 2 |
| Serious Criminal Trespass | 1,825 | 1 |

Note: These offence categories are not mutually exclusive. A single Apprehension Report may involve one or more offence types. Where a report includes two or more offence types, such as assault, drug offences and serious criminal trespass, they would be counted once in each category.

Case studies—six Apprehension Reports with a ‘direct’ link to gambling

The six Apprehension Reports (App. Report) that included information about a direct link to gambling are summarised below.

- ***App. Report case 1***

A female aged 36 years was apprehended for *attempted false pretences*. She was allegedly door knocking at unit complexes, pretending to collect for a charity. When apprehended she admitted that she intended to use any money collected to gamble and that she had a gambling problem.

- ***App. Report case 2***

A male aged 52 years was apprehended for *fraud other than false pretences*. He allegedly accrued a \$1,800 Keno debt from a newsagent without any means to pay. When apprehended he stated that while he only had a small amount of cash, he believed that he had winning cards to cover the debt. He admitted to a gambling addiction, particularly Keno. He also indicated that he was on medication and seeking treatment for depression.

- ***App. Report case 3***

A male age 30 years was apprehended for *larceny*. He allegedly stole a shopping trolley filled with groceries. When apprehended he stated that he did not have any money to pay for the items as he had lost all his money on the pokies the night before.

Appendix B: Gambling related crime in South Australia—continued

- ***App. Report case 4***

A male aged 34 years was apprehended for *armed robbery*. He allegedly entered a hotel and threatened a staff member before taking approximately \$500 from the till. When apprehended he stated that he was a gambling addict and that he robbed the hotel to pay debts and loans.

- ***App. Report case 5***

A male aged 33 years was apprehended for *armed robbery*. He allegedly entered a supermarket and demanded money from a staff member while armed with a knife. He left the supermarket with approximately \$1,200 in cash. When apprehended he stated that he had robbed the supermarket because he had no money to pay for food for his children. He stated that he had debt problems and that he was addicted to pokies.

- ***App. Report case 6***

A male aged 31 years was apprehended for *non-aggravated serious criminal trespass (non residential)*. He allegedly entered the premises of a closed food outlet and stole approximately \$600, having earlier stolen an access key from a worker at the outlet who was known to him. When apprehended he stated that he had entered the premises and stolen the cash due to a poker machine addiction and that he spent the cash on poker machines over the next two days.

Court follow up

To gain some indication of the extent to which the courts ‘pick up’ and record a link between offending and gambling, the offences included in the six gambling related apprehensions were tracked through to the Magistrates Court and the District or Supreme Court.

A corresponding Magistrates Court file was located for all but one of the six apprehensions (App. Report Case 2). This may indicate that the matter was dropped before reaching the courts, or may reflect an inability to match the Apprehension Number with the appropriate Court File Number.

The five available Magistrate Court files were accessed and reviewed. Of these, only one (App. Report Case 6) had any reference to gambling within the file. In this instance the file included both a bail enquiry report and a psychological report indicating the defendant had a significant problem with gambling.

Three of the five cases were finalised in the Magistrate Court, while two were committed to the District Court (App. Report Cases 4 and 5). Information on these cases was obtained by reviewing the relevant sentencing remarks within the database maintained by the Office of Crime Statistics and Research. For both cases, the sentencing remarks included substantial reference to the problem gambling behaviour of the defendants as the primary motivation for the offences.

As discussed in Section 3, the absence of any information to link the offending to gambling in four of the five Magistrates Court files can be interpreted in several ways. It is possible that the information in the Apprehension Report was incorrect (i.e. a ‘false positive’). Alternatively, the link with gambling may exist, but the defendant may have chosen not to raise this issue in court. A third possibility is that the gambling factor was raised in court but not recorded in any way. For the two cases that were finalised in the Magistrates Court and did not have any reference to gambling in the relevant file (App. Report Cases 1 and 3), the

Appendix B: Gambling related crime in South Australia—continued

possibility that the originating Apprehension Report was a ‘false positive’ cannot be ruled out. However, the fact that no reference to gambling was found in the Magistrates Court file for App. Report Cases 4 and 5, yet a substantial link between gambling and the offence was noted in the District Court sentencing remarks for these matters, suggests that the third explanation is the more likely.

The results derived from tracking the gambling related apprehension through to court are summarised in Table 3, together with information on court outcomes. As shown, four of the five apprehensions that were tracked through to the courts were convicted and received a penalty.

Table 3: Gambling related apprehensions—summary of court outcomes

| <i>App. Report Case No.</i> | <i>Offence</i> | <i>Reference to gambling?</i> | | <i>Court where finalised</i> | <i>Outcome</i> | <i>Penalty</i> |
|-----------------------------|--|-------------------------------|--|------------------------------|----------------------|---|
| | | <i>Magistrates Court file</i> | <i>District Court Sentencing Remarks</i> | | | |
| 1 | Attempted false pretences | No | - | Magistrates | Convicted | Good behaviour bond |
| 2 | Fraud other than false Pretences | No matching file found | - | - | - | - |
| 3 | Larceny | No | - | Magistrates | Dismissed no penalty | - |
| 4 | Armed robbery | No | Yes | District | Convicted | 4 years suspended imprisonment |
| 5 | Armed robbery | No | Yes | District | Convicted | 4 years 3 months imprisonment (2 year non parole period) |
| 6 | Non aggravated serious criminal trespass (non residential) | Yes | - | Magistrates | Convicted | 10 months suspended imprisonment |

Limitations of apprehension data

The narratives contained within Apprehension Reports have considerable limitations as a source of data on the extent and nature of offending. The information recorded is based upon

Appendix B: Gambling related crime in South Australia—continued

an account of events provided by the accused, the victim (if any) and witnesses (if any) and it is possible that they may be mistaken about some details, or have motives for providing inaccurate information. The information may also vary considerably depending upon the level of detail recorded by police and how information provided by witnesses and the accused is interpreted.

As indicated in the previous section, there are no specific investigative or reporting requirements in relation to the motivations for the offending, such as involvement with drugs, alcohol or gambling. Discussions with key informants indicated that, depending upon the seriousness of the offending, police are primarily concerned with the elements of the offence and not the motivation. For less serious offences, such as shoplifting, the question of motivation, including a link to problem gambling, may never be raised. Therefore, the fact that a particular detail is not included in the report does not necessarily mean that this did not occur. This is supported by the results of the analysis of higher court sentencing remarks further in this section. Several cases within the District Court that were found to have a significant link to problem gambling did not, in the police Apprehension Report, show any indication of being gambling related.

As a result, the six cited cases are likely to be an under-estimation of the true number of apprehensions involving gambling related crime.

Summary of Apprehension Report analysis

- A review of 800 randomly selected police Apprehension Reports from 2001 found six that were considered gambling related. When tracked through to court, a link between the offending and problem gambling was identified for three of the five apprehensions for which a court file could be found.
- It is acknowledged that police Apprehension Reports have substantial limitations with regard to the recording of any link between the offending behaviour and problem gambling, and that the number identified is likely to be an underestimate of the true extent of gambling related apprehensions.

Magistrate Court file analysis

In addition to the analysis of police Apprehension Reports (and the subsequent tracking through to court) a separate survey of 500 matters finalised in the Adelaide Magistrates Court was also conducted. The purpose of this study was to determine the number and proportion of selected matters within the court that were gambling related and to identify the ways in which such information was recorded.

Methodology

The analysis involved a manual search of 500 files finalised in the Adelaide Magistrate Court (AMC) during 2002.

Due to the very small number of gambling related police Apprehension Reports that were found (refer to earlier discussion), it was decided to limit the search to files that involved at least one of two offence types with a known link to gambling, namely *larceny* and *fraud*. Accordingly, 250 files that included at least one *larceny* charge and 250 files that included at

Appendix B: Gambling related crime in South Australia—continued

least one *fraud* charge were randomly selected from the total number of files involving these matters (1,010 and 456 respectively) that were finalised in the AMC during 2002.

Files from the AMC were chosen as the basis for the data search as they were easily accessible. There was no evidence to suggest that they would not be representative of all Magistrate Court files dealing with *larceny* or *fraud* offences.

The relationship with gambling was detected by reading through any psychological reports, bail enquiry reports, letters from gambling counsellors, written bail conditions, reasons for refusal of bail, and sentencing conditions included in the court file.

In addition, files that also included sentencing remarks were extracted and forwarded to the Court Reporting Section within the Courts Administration Authority, where the original shorthand sentencing remarks were read by appropriately trained staff to identify any references to gambling. Where a reference was found, these reports were transcribed for further analysis.

To maximise the chances of locating a file that included sentencing remarks, files that were committed to the District or Supreme Court were excluded from the sample.

Findings

From the initial scan of the 500 randomly selected finalised AMC files, five included information from bail reports, psychologist's reports, etc., linking the offence to gambling.

Of the 500 files reviewed, 177 also included sentencing remarks. An analysis of these 177 sentencing remarks revealed 11 cases that included a reference to gambling. Overall, due to overlap between the two groups, 12 of the 500 files (2.4%) were found to be gambling related.

Case studies—twelve Adelaide Magistrates Court files

Evidence in reports

- *AMC case 1*

A male aged 40 years was convicted of 20 counts of *defraud Commonwealth or public authority* and six counts of *steal or misappropriate Commonwealth property*. The total amount involved was approximately \$11,000. No further details were available about the circumstances of the offending. He had no prior offence history. He was sentenced to 9 months imprisonment, which was suspended on the condition that he agree to a good behaviour bond of \$100 for 18 months and obey all directions of his Community Corrections officer with respect to counselling for gambling.

There were two references within the file that indicated this offending was gambling related. In addition to the condition to seek counselling for gambling, the file contained a letter from a gambling support agency outlining the defendant's gambling problem.

The sentencing remarks also included in this file noted that the defendant had acquired a gambling habit by playing cards at the casino and that he had undergone counselling.

Appendix B: Gambling related crime in South Australia—continued

- *AMC case 2*

A male aged 35 years was convicted of 25 counts of *fraudulent conversion*. While in a management position with a bank, he wrote cash cheques worth approximately \$20,000 and used the money, in part, to gamble. He had no prior convictions. He was sentenced to 18 months imprisonment, which was suspended on the condition that he agree to a good behaviour bond of \$100 for 18 months, that he seek gambling counselling, and that he make restitution of approximately \$15,000.

In addition to the condition to seek counselling for gambling, this file included a psychologist report that indicated that the defendant had developed an addiction to electronic gaming machines, as a form of release following the death of a family member.

The sentencing remarks available for this case noted that the defendant had used some of the money taken to finance his gambling habit. The defendant was also directed to obey the directions of the probation officer to undertake and complete programs designed to assist him in overcoming his gambling addiction.

- *AMC case 3*

A male aged 55 years was convicted of 15 counts of *embezzlement* and four counts of *fraudulent conversion*. Over a period of approximately 16 months the defendant obtained more than \$143,000 by quoting higher amounts for services to customers and keeping the difference. He was sentenced to four years imprisonment, which was suspended on the condition that he agree to a \$100 three year good behaviour bond, that he continue gambling counselling, and that he pay restitution.

In addition to the condition to seek counselling for gambling, this file included a psychologist report. The assessment indicated that the defendant had been exposed to gambling early when his father took him to the racetrack. He later became a frequent user of TAB, electronic gaming machines, roulette in the casino, and Keno. He estimated that 75% of the misappropriated funds were used for gambling and 25% went to cover gambling related debts.

The file also included a report from a gambling support agency, outlining the treatment that the defendant was receiving and his motivation to overcome his problems.

The sentencing remarks included on the court file for this case referred to the psychological report and the fact that the defendant suffered from “pathological gambling problems”.

- *AMC case 4*

A male aged 37 years was convicted of 14 counts of *social security fraud*. Information within the court file indicates that, for a period of approximately eight months, he did not declare to Centrelink his earnings from employment or WorkCover. He was sentenced to 4 months imprisonment, which was suspended on the condition that he agree to a \$100 two year good behaviour bond, that he seek gambling counselling, and that he make restitution of approximately \$6,000.

In addition to the condition to seek counselling for gambling, this file included a psychologist report. The assessment indicated that the defendant had commenced gambling on horses and that he increased the frequency of his gambling when he became unemployed, in an attempt to increase his income.

Appendix B: Gambling related crime in South Australia—continued

The file also included a report from a gambling support agency outlining his contact with that agency and his efforts to overcome his gambling problem.

The sentencing remarks included in this case referred to the defendant's "gambling difficulty" and the fact that he had taken steps to "assist [himself] to make sure [he] did not repeat [his] gambling addiction". The defendant was also directed to undertake programs or courses for gambling addiction as directed by his probation officer.

- **AMC case 5**

A female aged 24 years was convicted of two counts of *counterfeit money*. No further details were available about the circumstances of the offending. She was sentenced to a good behaviour bond of \$100 for 18 months.

The file included a Magistrates Court Diversion Program report, which identified that the defendant had a gambling addiction and a history of playing poker machines, but did not provide any further detail.

There were no sentencing remarks included on this file.

Evidence in sentencing remarks only

- **AMC case 6**

A female, aged 24, was convicted of *false pretences* and *larceny by a servant*. No further details were available about the circumstances of the offending from the court file. She was sentenced to eight months imprisonment, which was then suspended on the condition that she enter a bond of good behaviour for three years. She was also ordered to pay restitution of approximately \$3,500.

In sentencing, the Magistrate noted that "you have an understanding of your association with the gambling and you have taken action....to ensure that this type of behaviour does not recur".

- **AMC case 7**

A female of unknown age was convicted of 23 counts of *social security fraud* and 16 counts of *false statements* for continuing to receive benefits of approximately \$9,000 when she was in part-time employment. She had no prior convictions. She was sentenced to seven months imprisonment, which was suspended on condition that she enter a good behaviour bond of \$100 for 18 months. She was also ordered to make restitution of \$9,000. In the sentencing remarks the Magistrate noted that the defendant "had some problems with gambling".

- **AMC case 8**

A male aged 36 years was convicted of *larceny as a servant* for taking \$1,500 while working in a hotel. No further details are available about the offence from the court file. He received a sentence of two months suspended imprisonment, with a good behaviour bond of \$100 for 18 months.

In sentencing, the Magistrate noted that "...you have recognised that you have a serious gambling problem and you have voluntarily undertaken counselling and you have also taken steps to have yourself barred from gaming establishments".

Appendix B: Gambling related crime in South Australia—continued

- *AMC case 9*

A male aged 37 years was convicted of 80 counts of *larceny as a servant*. He had failed to return cash credit to customers for unused goods and had eventually stolen approximately \$15,000. He was sentenced to nine months imprisonment, which was suspended on condition that he enter into a \$10 good behaviour bond for two years and six months, and that he obey the directions of his Community Corrections officer with respect to seeking help for gambling.

The Magistrate in this case noted that through the stress of work “...the consequence was an increase in poker machine gambling and it was not long before the defendant was addicted”.

- *AMC case 10*

A male, aged 29, was convicted for *social security fraud* and *false statements* regarding an application for Newstart Allowance, receiving payment that he was not entitled to of \$5,000. He was sentenced to four months and two weeks imprisonment which was suspended on the condition that he enter into a \$500 good behaviour bond for 18 months and that he undergo counselling for gambling problems.

The Magistrate noted: “Your motive in committing these offences was to gain funds for your gambling addiction. You acknowledged that during the period of offending, your gambling went from bad to worse.”

- *AMC case 11*

A female aged 29 years was convicted of *false pretences* for purchasing goods from a department store with a credit card that was not her own. She also had prior convictions for false pretences. She was released on a 12 month good behaviour bond of \$100 on the condition that she obey the directions of her Probation Officer regarding attendance at any courses or programs designed to overcome gambling problems.

The Magistrate noted in the sentencing remarks: “She tells me she has had problems with poker machines and this activity was designed to obtain money so she could feed it essentially into such machines.”

- *AMC case 12*

A male aged 24 years was convicted of *false pretences* and *unlawful possession*, involving the use of an unauthorised credit card to obtain goods from several stores. The offences occurred three months into the defendant’s parole period for a series of dishonesty matters. He was sentenced to six months imprisonment, which was suspended on the condition that he enter into a \$200 good behaviour bond for 12 months.

The only reference made to gambling in the sentencing remarks was the order to comply with directions of a Probation Officer to attend counselling with respect to gambling addiction.

Matching gambling related court files to Apprehension Reports

An attempt was made to match the offences involved in the gambling related court files with the original police Apprehension Report, to determine whether the relationship between gambling and the offence was recorded at the apprehension stage.

Appendix B: Gambling related crime in South Australia—continued

Matching Apprehension Reports were found for seven of the 12 gambling related court files (AMC cases 2, 3, 6, 8, 9, 11 and 12). Five reports did not have an Apprehension Report because they involved Commonwealth offences (such as social security fraud), which are not investigated by SA Police.

Of the seven cases with a matching Apprehension Report, only three included a reference to gambling, as detailed below. In two of the remaining four Apprehension Reports it was noted that the accused had declined to answer questions.

- **AMC case 3**

The matching Apprehension Report for AMC case 3 contained references that indicated it was gambling related. At the time of apprehension the accused made full admissions to the offence, saying that he had used the money he obtained illegally to pay bills, child maintenance, bank loans and gambling. In particular, he admitted that his gambling was out of control and that he had gambled \$400-\$500 every second day on Keno, placing a single bet of \$6,000 on one occasion.

- **AMC case 6**

In the matching Apprehension Report for this court file the accused stated that she had used the money stolen for gambling on poker machines and that she had sought counselling for gambling through her doctor.

- **AMC case 8**

There was no admission of a gambling problem in the matching Apprehension Report for this court file, but the accused did state that he had spent the money stolen on alcohol and gambling.

The results of the analysis of Adelaide Magistrate Court files are shown in Table 4.

Table 4: Gambling related court files involving larceny or fraud offences

| <i>Case No.</i> | <i>Offence type (fraud and/or larceny)</i> | <i>Approx. value of money or goods taken</i> | <i>Penalty*</i> | <i>Reference in file (eg condition or report)</i> | <i>Reference in sentencing remarks</i> | <i>Reference to gambling in Apprehension Report</i> |
|-----------------|--|--|-----------------|---|--|---|
| 1 | Fraud | 11,000 | 9 months SI | Yes | Yes | No report |
| 2 | Fraud | 20,000 | 18 months SI | Yes | Yes | No |
| 3 | Fraud | 143,000+ | 4 years SI | Yes | Yes | Yes |
| 4 | Fraud | 6,000 | 4 months SI | Yes | Yes | No report |
| 5 | Fraud | NA | 18 months GBB | Yes | No sentencing remarks | No report |

Appendix B: Gambling related crime in South Australia—continued

| <i>Case No.</i> | <i>Offence type (fraud and/or larceny)</i> | <i>Approx. value of money or goods taken</i> | <i>Penalty*</i> | <i>Reference in file (eg condition or report)</i> | <i>Reference in sentencing remarks</i> | <i>Reference to gambling in Apprehension Report</i> |
|-----------------|--|--|-----------------|---|--|---|
| 6 | Fraud and larceny | 3,500 | 8 months SI | No | Yes | Yes |
| 7 | Fraud | 9,000 | 7 months SI | No | Yes | No report |
| 8 | Larceny | 1,500 | 2 months SI | No | Yes | Yes |
| 9 | Larceny | 15,000 | 9 months SI | No | Yes | No |
| 10 | Fraud | 5,000 | 4 months SI | No | Yes | No report |
| 11 | Fraud | NA | 12 months GBB | No | Yes | No |
| 12 | Fraud | NA | 9 months SI | No | Yes | No |

*Note: SI = suspended imprisonment, GBB=Good behaviour bond

Limitations of Magistrate Court data

As discussed in Section 3, the capacity of the courts to record that a matter is gambling related is extremely limited because there is no systematic recording of motivations or circumstances of an offence. Any reference to such factors can only be identified incidentally through reports that are requested and which may or may not be included on the hard file, or through references within sentencing remarks. While sentencing remarks from cases heard in the District or Supreme Court are transcribed and readily available, there are thousands of matters each year that pass through the Magistrates Court for which a guilty plea is entered and for which no transcript is taken. Even when sentencing remarks are recorded within a Magistrate Court case they are not easily accessible, as they are stored on the hard file in the original shorthand form. As a result, any analysis will invariably underestimate the extent of gambling related offending dealt with at this level of the criminal justice system.

Summary of Adelaide Magistrates Court file analysis

Five hundred randomly selected files from the Adelaide Magistrate Court, involving 250 larceny and 250 fraud offences that were finalised in 2002, were extracted and reviewed. The relationship with gambling was detected through psychological reports, bail enquiry reports, letters from gambling counsellors, written bail conditions or reasons for refusal of bail, and sentencing conditions. Of these 500 files:

- twelve (2.4%) were found to be gambling related;
 - 177 (35.4%) had sentencing remarks and of these, 10 had a reference to gambling;
 - 323 (64.5%) did not contain sentencing remarks and of these, 2 contained reports which made a reference to gambling;

Appendix B: Gambling related crime in South Australia—continued

- three of the 250 larceny files reviewed were gambling related, all involving larceny from an employer (1.2%);
- ten of the 250 fraud files (4%) were gambling related (note that one file included both larceny and fraud offences, and so, it has been recorded once within the record of twelve files that contain gambling related sentencing remarks), with five of these ten fraud files involving offences against the Commonwealth, including four relating to social security fraud;
- ten of the twelve defendants received a penalty of suspended imprisonment, ranging from two months to four years duration;
- two of the twelve defendants were released on a good behaviour bond only;
- seven of the twelve gambling related court files had a matching Apprehension Report and three of those Apprehension Reports contained a reference to gambling.

Overall, only a small number of files that were examined were determined to be gambling related. However, this analysis has relied on the fact that information was disclosed in court and was recorded on the court file in some way. It is acknowledged that this number is likely to underestimate the true number of gambling related court cases as:

- some defendants will choose not to reveal their motivation as gambling;
- even if gambling is disclosed as an element of the offending behaviour some magistrates may not refer to a defendant's gambling problem in their sentencing remarks; and
- not all Magistrate Court files have sentencing remarks included on the file.

District and Supreme Court sentencing remarks analysis

As indicated in Section 3, sentencing remarks from the South Australian District and Supreme Courts are a useful source of data. As well as providing demographic details such as age, sex and marital status, and summarising the offences for which the person is being sentenced, they can also provide background information on family circumstances, health and financial issues, and prior offending.

Discussions with key informants also indicated that, in general, sentencing remarks were likely to provide a valid measure of the number and proportion of higher court cases where gambling was cited as a primary motivating factor. It was noted that if this factor had been raised at any point during the court process as the major reason for the offending it would almost certainly be mentioned by the Judge/Justice in the sentencing remarks, even if only to dispute that assertion. However, it was also suggested by one informant that gambling, as a motivation for offending, may not be raised in sentencing remarks if there are other factors present, such as drug use.

In contrast to sentencing remarks from the Magistrates Courts, all remarks from the District and Supreme Courts are transcribed and posted for a limited time period on the Courts Administration Authority website. All higher court sentencing remarks are also forwarded to the Office of Crime Statistics and Research (OCSAR) where they are entered into a database. Information can be retrieved from the database by the name of the defendant, the name of the presiding Judge or Justice, the date of the remarks, or by key word search.

Appendix B: Gambling related crime in South Australia—continued

To determine the number and proportion of cases heard within the District and Supreme Courts in South Australia that are gambling related, a key word search of the OCSAR sentencing remarks database was conducted. At the time of the search, the database contained the details of 1800 cases from January 2000 to the end of June 2003.

Methodology

Sentencing remark records were initially searched for the following key words:

- gambling (39 matches)
- gamble (29 matches)
- gambler (19 matches)
- gaming (9 cases)
- poker machines (16 matches)
- pokies (1 match)
- betting (1 match)
- casino (17 matches)
- TAB (no matches)

Where a match was found, the entire text of the sentencing remarks was analysed to determine the context of the reference. It should be noted that one case might have matched for more than one key word. Of the 1,800 sentencing remarks that were available at the time of the search, 39 were extracted.

Findings

Of the 39 cases that were extracted:

- Seven cases were eliminated from further analysis when it was found that the reference to gambling was incidental. For example, it was noted in one case that the defendant had participated in the production of cannabis to provide additional income (she had lost her house several years earlier due to her former partner’s gambling problem). While not directly relevant to this study, this case is an example where offending is indirectly related to another person’s gambling problem. In another case, it was recorded that a security guard at the casino had been assaulted when he had denied entry to the defendant. A third case referred to gambling because the defendant (who was charged with drug offences and was found in possession of \$350) claimed that she had won money at the pokies the night before the offence.
- Five cases indicated that the defendant was a problem gambler, but this was not linked to the offending behaviour. For example, one defendant who was described by the Judge as a problem gambler was convicted of armed robbery. However, he claimed that he committed the offence because the store was “ripping him off”. In another case a man was sentenced for assaulting a gaming room attendant who was attempting to ‘tone down’ the defendant’s behaviour. It was noted in the remarks that the defendant was a problem gambler, but in this instance the offence was motivated by anger towards the gaming room attendant. In a third example it was recorded that a man convicted of possessing

Appendix B: Gambling related crime in South Australia—continued

drugs for sale had now overcome his addiction to drugs but had since replaced drugs with gambling.

- Two cases were eliminated from further analysis because the Judge did not accept that the defendants had a gambling problem. In one case Justice Bleby noted to a defendant convicted of armed robbery:

“I am not persuaded, on the balance of probabilities, that you have a pathological gambling problem... Your pattern of gambling and saving money whilst in gaol is not that of a compulsive gambler. Your pattern of spending money after your release..., while it did include gambling, also involved a spendthrift lifestyle.” (Supreme Court 65/2001).

In the other case Judge Anderson remarked:

“It was put to me that the sale of the methylamphetamine on this occasion was in some way a shorthand way to raise money to take to the poker machines... I am unable to accept that is so. The evidence leads clearly and strongly to the conclusion that you were acting to complete a sale for your co-accused, who was an established short term supplier to the purchaser...” (District Court 570 2002).

- Two cases were difficult to classify due to lack of information. In each case the defendants were convicted of dealing heroin. Both defendants had sustained gambling losses at the casino and were subsequently approached with an offer to make some ‘easy money’ by acting as drug couriers. In both cases there was no mention of problem gambling in the sentencing remarks, but the fact that these individuals were prepared to be involved in such a risky activity suggests that they were desperate to obtain money. This may indicate that they are problem gamblers. However, without additional information it was not possible to make that link and so, these cases were also excluded from the final analysis.
- The remaining 23 cases were found to be gambling related, representing 1.3% of all cases sentenced in the SA District and Supreme Court between January 2000 and June 2003. An overview of these cases is presented in the following section.

Gambling related cases (n=23)

Offender profile

- *Age and sex*

The 23 gambling related cases involved four females aged between 25 and 46 years (median 41 years) and sixteen males aged between 20 and 57 years (median age of 32 years). Age details were missing for three cases involving a male defendant.

- *Employment status*

Six of the defendants in the cases identified as gambling related were employed, twelve were unemployed and three were receiving a pension or benefit. Employment details were missing for two defendants.

Appendix B: Gambling related crime in South Australia—continued

Offence profile

- *Type of offence*

Nine of these cases involved drug offences (including six for drug dealing and three for manufacture of drugs), while seven involved robbery (including four armed robbery and three unarmed). The remaining seven cases involved fraud (3), larceny from a person (2), larceny from a servant (1), and serious criminal trespass (1). It is acknowledged that this analysis is biased towards more serious offences, given that the higher courts necessarily deal with more serious matters compared to the Magistrates Courts.

- *Penalty*

Fifteen of the defendants in the gambling related cases received a sentence of imprisonment, while eight had imprisonment suspended.

Problem gambling as a mitigating factor

Problem gambling was seen to be a mitigating factor in only two of the 23 gambling related cases.

When suspending the sentence of a 38 year old male who had been convicted of dealing cocaine, Judge Lowrie remarked:

“...for this sort of offending long sentences have been handed down, and particularly with drugs like cocaine. So, on the first blush of this, one would think ‘he is a person that’s going to gaol, and indeed for a long time’....I can see now that this is different from the normal case. I can see that you were in the grip of this problem”(DC 92 2001).

Judge David noted when sentencing a 25 year old male for the production of cannabis:

“...I will suspend your inevitable term of imprisonment that I must impose, for the following reasons. Firstly, you have no previous convictions for drug matters. Secondly, I am told the root of your problem is one of gambling as a result of debt and you are trying to do something about it. Thirdly, you pleaded guilty at an early stage and cooperated with the police. Most importantly, you are willing to give evidence against the perpetrator and the alleged co-accused in this matter. All of those matters are matters that I can take into account in showing a certain amount of leniency in suspending the inevitable term of imprisonment I must impose”(DC 832 2001).

In contrast, in a case involving an unarmed robbery of a gaming room, Judge Lowrie commented:

“Whilst I have no doubt that your inability to overcome your addiction to gambling is the reason behind your offending, it serves as no excuse for it. There is an element of choice behind all of our actions and the fact remains that you chose to gamble and you chose to commit the robbery on the day in question”(DC 1258 2001).

In another case, involving the armed robbery of a supermarket:

“...There must be a sentence of imprisonment. An application has been made for it to be suspended, but after careful consideration I am not satisfied that that would be

Appendix B: Gambling related crime in South Australia—continued

appropriate. It is true that this offence was out of character for you, that it is unlikely to be repeated and that it was fuelled by an addiction over which you do not yet have psychological control. However, while that addiction put you in a position where you had no money, it was your decision to go the extra step and to obtain money by violence” (Chief Judge DC 152 2002).

And, where an employee of a supermarket stole approximately \$35,000:

“Your gambling problems are little or no grounds for leniency. Such an addiction, does, however, explain this offending which is plainly out of character” (Judge Smith DC 716 2002).

Problem gambling as the single motivating factor

Of the 23 cases identified as gambling related, problem gambling was identified as the primary motivating factor in 15 cases and a co-factor in 8 cases. Where problem gambling was recorded as the primary motivating factor:

- Seven involved drug offences. These offences included: the cultivation of cannabis (four cases, ranging from 8 plants up to over 1,000 plants), possessing cannabis for sale (one case - approximately 500 grams) and possessing heroin for sale (two cases).
- Two involved robbery. One defendant armed with a knife demanded money from a supermarket sales assistant, while another defendant who was unarmed, demanded money from the manager of a gaming room.
- Three involved larceny. One defendant was convicted of stealing \$35,000 from his employer while he was working as a supermarket manager. Another pretended to be waiting in line to pay for goods at a discount store, then grabbed money from the open till. In the third case, a man grabbed a woman’s purse while leaving a hotel.
- Three involved fraud. Two cases involved the falsification of accounts, including one defendant who obtained money illegally through the creation of loan accounts in the names of fictitious people. The total amount stolen amounted to 1.2 millions dollars, with the money stolen largely used to speculate in real estate and shares. While there was no direct mention of a gambling problem, the offence itself was treated as gambling. As Judge Bright noted:

“When you had your big win...I suspect that you were in a position to make repayments, and either to clear, or to reduce to manageable proportions the amount that you owed the bank. You did not do that. You continued to speculate at the bank’s expense. As with any gambler, your only hope was another big win”(DC 748 2002).

The third fraud case involved a travel agent who stole over \$400,000 from clients. The money was given to her for investment in property, but was used for other purposes. This case is interesting in that the defendant denied she had a gambling problem and did not instruct her counsel to make such claims. However, the Judge noted that she was a frequent gambler and that “a significant amount of money must have been lost in gambling” (DC 701 2002).

Appendix B: Gambling related crime in South Australia—continued

Problem gambling as a co-factor

- Problem gambling was recorded as a co-factor to explain the offending behaviour in 8 of the 23 gambling related cases. In 7 of these, problem drug use was the other factor operating in combination with the gambling and was considered to be the primary factor. Mental health issues, as well as problem gambling, were identified as the reason for offending in one case.
- Five of the cases where gambling was a co-factor involved robbery (including three armed and two unarmed). One defendant entered a pharmacy armed with a knife and stole approximately \$3,000. He later stole \$6,000 from a bank, claiming that he was armed with a gun. Another defendant was armed with a knife when he robbed a hotel gaming employee of \$850 in cash.
- Two cases involved drug dealing offences: one defendant was convicted of dealing cocaine (amount not specified), while another was sentenced for possessing heroin for sale. In both cases the defendants became involved in drug dealing to finance their own drug use, as well as obtain money to gamble.
- One case involved a serious criminal trespass. The defendant entered an occupied house at night, looking for cash, but was confronted by the occupants. It was noted that at the time of the offence she was addicted to drugs, particularly heroin, and had also developed a gambling problem. She was also a participant of the AMC Drug Court.

Comparison between gambling as single motivating factor and gambling as co-factor

Some differences were evident between the two types of gambling related cases finalised in the District and Supreme Courts since 2000.

While numbers are small and should be interpreted with caution, it appears that defendants for whom gambling was the single motivating factor were more likely to be older. Ten of the 13 single factor cases where age was noted were over 30 years, compared with 3 of the 7 cases involving problem gambling as a co-factor.

In addition, while both types of cases involved drug and robbery offences, the cases where gambling was the single motivating factor also involved fraud and larceny offences, primarily linked to a place of employment. This is supported by the fact that 6 of the 15 cases where gambling was the only motivating factor were employed at the time of the offending, while none of the co-factor cases were in employment.

There was also some evidence that the single factor cases were less likely to have prior proven offences. Eight of the 15 cases where problem gambling was the single motivating factor did not have any prior record of offending, compared with only 2 of the cases where problem gambling was a co-factor.

Back tracking of cases to Magistrates Court and apprehension stage

The 23 cases that were found to have direct relationship with problem gambling were tracked back to the Magistrate Court file and police Apprehension Report, to determine whether this factor had been recorded at either or both of these stages.

Appendix B: Gambling related crime in South Australia—continued

Magistrate Court files

The relevant Magistrate Court files were identified and extracted for all 23 cases. However, a reference to gambling was found in only one case. In this case, which involved serious criminal trespass, a link to gambling was recorded in two ways. In the first instance, the form listing reasons for refusal of bail by police after arrest (Form 2) included "...has a gambling and alcohol addiction and arresting officers believe she will continue to commit offences to finance her habits". Secondly, when the defendant was later granted bail in the Magistrates Court, it was noted as a condition of her bail agreement that she obeys the directions of a case manager in relation to "counselling, treatment or therapy for gambling addiction".

Cases heard in the District and Supreme Court are, by definition, more serious than those dealt with at the Magistrates Courts level. It is possible that this has an impact on the likelihood that a reference to gambling will be found on the Magistrate Court file. For example, there may be less need for the circumstances of the offender to be discussed at this level, given that the outcome and sentencing will be decided by another court.

While acknowledging this possibility, the fact that only one of the known gambling related cases identified in the District and Supreme Court had any reference to gambling in the corresponding Magistrates Court file strongly indicates that these files are a very limited source of data on gambling related crime.

Police Apprehension Reports

Police Apprehension Reports were found to be only marginally better than Magistrate Court files as a source of data on gambling related crime. A corresponding police Apprehension Report was found for 18 of the 23 gambling related cases identified in the District and Supreme Courts. Of these, only five included a direct or indirect reference to problem gambling. Three included a direct reference, noting that the accused was "addicted to pokies" or "a gambling addict" or had "gambling problems". The remaining two noted that the accused had spent all on the money taken on gambling (TAB and poker machines respectively).

Summary of analysis of sentencing remarks

- The analysis of 1,800 sentencing remarks from cases heard in the District and Supreme Courts of South Australia from January 2000 to June 2003 found 23 that were gambling related (1.3%).
- Of these, 15 had gambling as the only motivating factor in the offending, while 8 involved other factors (generally drug use).
- The group that had multiple motivating factors was more likely than the 'gambling only' group to have prior offences.
- The most common offence type involved in the 23 gambling related cases was drug offences (9), followed by robbery (7) and fraud (3).
- Problem gambling was not seen to be a mitigating factor for sentencing.

Appendix B: Gambling related crime in South Australia—continued

Other information obtained during consultation phase

Break Even Network

While no statistical data on gambling related crime was available from the Break Even agencies, a number of issues were discussed during the consultation phase of the project. In particular, informants were asked for information on the proportion of clients who were involved in gambling related crime, as well as the type of offences. The following section outlines the key issues that were raised.

Estimated proportion of clients who are involved in gambling related crime

Informants were asked to estimate the proportion of their clients who were involved in gambling related crime.

The Centre for Anxiety and Related Disorders at the Flinders Medical Centre provided information from a review of their case files. It was found that 70% of their clients had admitted to stealing from family and friends, 10% admitted to stealing from their employer, while 1% had been involved in shoplifting and 1% in robbery. It is noted, however, that gamblers receiving treatment from the Flinders Medical Centre are more likely to have severe gambling problems and may not necessarily be representative of all problem gamblers accessing services.

Estimates from the other agencies ranged from 10% up to 60%, with most estimates around 30% to 50%. One possible reason for the divergence in estimates is that some counsellors are known to receive a greater number of referrals from solicitors to assist their clients. The broad range of views is an indication that valid statistical data is required.

Type of crime committed

Overwhelmingly, the Break Even agencies reported that the majority of crime they were aware of was stealing from family and friends. This could involve such activities as taking wallets and purses, borrowing items and then selling them, or taking cash put aside for paying bills. Two informants reported circumstances where a person had been in a guardian role overseeing the financial affairs of an elderly parent and had taken the money without permission. Two other agencies reported cases whereby a parent had stolen from a child's bank account. In the first instance, the parent had forged the child's signature, and in the second, the parent had taken the child to the bank to withdraw the funds.

Stealing from employers was also reported as a common type of offence. In these circumstances, cash was taken from the till or cash payments were not forwarded to the boss. There were a number of cases involving persons who defraud their own business.

Also common were shoplifting and then returning the items to the store for a refund; false insurance claims; defrauding taxes, WorkCover and social security; and claiming a purse has been stolen and then going to an agency for food. While the Break Even agencies were aware of domestic violence, most agencies did not report a high incidence. The main exception to this was the Cultural And Linguistically Diverse (CALD) service, which reported domestic violence as a substantial problem related to gambling.

Prostitution was commonly reported as a way to obtain money for gambling, particularly by the CALD agencies. In addition, as reflected in the analysis of sentencing remarks, one

Appendix B: Gambling related crime in South Australia—continued

informant also reported how problem gamblers were being recruited at gaming venues to earn cash by acting as drug couriers (note: two cases were identified in this report in the section ‘District and Supreme Court Sentencing Remarks Analysis’, under ‘Findings’).

The main emphasis was that the crimes reported were at the less serious end of the scale. Some robbery was reported and bag snatches, but these were relatively rare compared with the proportion that was stealing from family and friends.

Out of character behaviour

Another common theme of the discussion was the fact that for the majority of Break Even clients, the offending behaviour is unusual and completely out of character. One informant noted that the majority of people he counselled had not had any experience in correctional institutions and had not engaged in drug use. Another indicated she would be surprised if any of her clients had a police record. As noted:

“...these are apparently upright members of the community who own their homes and hold down jobs...they have never before committed a crime....gambling has led them into crime.”

Under reporting of offences

A number of informants indicated that gambling related crime is under reported. In particular, there were instances where an employer has contacted the service, seeking advice about what to do with an employee who has been found to be stealing. In many cases they dismiss the employee, but often they do not prosecute.

SA Office of the Director of Public Prosecutions (DPP)

An estimated 20% of cases dealt with by the Fraud Section of the DPP were gambling related. Sometimes there is direct evidence that gambling was involved. However, in a number of cases there are suspicions, but the information is not presented in court. This has implications for the analysis of sentencing remarks in the District and Supreme Courts, suggesting that in a number of cases the link to gambling is not known by the Judge. It was also noted that some defendants are clearly problem gamblers, but it is likely that without the gambling problem they would still offend.

Commonwealth Director of Public Prosecutions (Commonwealth DPP)

As advised by the Commonwealth DPP, it was estimated that between 10% and 15% of the 800 social security fraud cases prosecuted each year in South Australia were related to gambling.

Legal Services Commission (LSC)

A lawyer within the LSC reported that 8 of the last 60 social security fraud matters he had finalised were related to gambling. This is consistent with the estimate given by the Commonwealth DPP.

Of the cases handled by LSC, it was estimated that half involved gambling as the only motivation for the offending.

Appendix B: Gambling related crime in South Australia—continued

SAPOL—Major Fraud Section

An informant within the Major Fraud Section of SAPOL indicated that he was aware of 3 cases out of 40, in the previous 12 months, that were related to gambling. However, given that the Fraud Section deals with highly complex fraud cases, this may not be representative of all fraud matters that come to the attention of police.

Offenders Aid and Rehabilitation Services of SA (OARS SA)

Informants from OARS SA estimated that approximately one in five clients would have gambling problems.

Appendix B: Gambling related crime in South Australia—continued

SECTION 5: THE NEED FOR DATA ON GAMBLING RELATED CRIME

As part of the interview/consultation process, key informants were asked whether they thought that there was a need for statistics on gambling related crime and whether such information would be useful to their agency. The following section summarises the views presented.

Agency views

Department of Human Services (DHS)

As indicated in Section 3, DHS is associated with gambling activities, and problem gambling in particular, through its role in coordinating the Break Even Network, and the Gambling Research Program and Community Education Grants funded by the Gamblers Rehabilitation Fund.

Informants from DHS indicated that they collected data on the prevalence and social/health impact of gambling in the South Australian community to inform government policy. Information was also collated to identify the number of persons accessing Break Even services, as well as the efficacy of the services provided.

However, there was a limit as to the amount of information that services could collect without the need for additional resources and/or compromising the service to clients. While gambling related crime was known as one of the consequences of problem gambling, it was not considered to be one of the highest priority areas. Nevertheless, one informant noted that:

“I don’t think we can go forward...without some very reliable information about how problem gambling is affecting the community”.

Break Even Network

There was general agreement from all Break Even agencies consulted about the need for reliable and valid statistical data on gambling related crime. Most felt that this information was essential to inform the government and the community, rather than to assist in their day-to-day operations. Selected comments from various agencies included:

“I think there is a need for it in terms of community education. I think its very important for the community to have a much clearer picture of the impact of the decisions that have been made regarding types of gambling and access to gambling in the community. It’s important for the community to have accurate information about the impact of those....including criminal activities because there is a lot of ignorance in the community and a lot of people do not realise the extent of the problems that have been posed by the type of poker machines that we have and the level of access that we have.”

“My strongest desire would be to have some solid data on all of this...I think it is an area that we need to be more aware of and I think there’s so much debate around gambling and I think that debate is around an unfinished picture....issues around criminality and around debt need to be added in so that we can look at what we’re really talking about....”

Appendix B: Gambling related crime in South Australia—continued

“We want to gain some perspective... we want to inform our service delivery but we also want to inform state and federal policy.”

“I’d love it to be known because I think it would help the very things we are doing at the moment in trying to get a code of practice in place...”

It was also noted there was very little information on the impact of gambling upon the Indigenous and CALD communities. It was reported that individuals from these groups had very different needs and that traditional service models based on individual counselling were not necessarily the best option. Without culturally relevant data it was extremely difficult to provide an appropriate response to these groups.

A number of informants indicated that it was important to raise the issue of gambling related crime with their clients, either directly or indirectly, as part of the process of helping the client understand the impact of his or her gambling behaviour. However, this was for individual counselling purposes and was rarely recorded in any detail, if at all.

Overall, most informants reported a need for statistical data on gambling related crime to inform the community and government and to provide a realistic basis for the allocation of funding to gambling help services. In contrast, only a few indicated they would use it within their agency.

SA Police (SAPOL)

SAPOL informants indicated that there was no need within their organisation for summary or individual statistics on gambling related crime. As indicated in Section 3, while the motivations of an offence may be raised as part of the investigation process, it is not central to the main police objective of detecting a criminal offence, apprehending an offender and providing sufficient evidence to convict. However, it was noted by one informant that information collected by police might have a “crime reduction potential”. In addition, if there was information linking gambling to crime to the same extent that drugs and alcohol were associated with offending, SAPOL may be interested in data on this issue.

Courts Administration Authority

Informants from the Courts Administration Authority reported that statistics on gambling related crime were not required by the courts. It was suggested that the main concern in the courts in relation to gambling, was the issue of what could be done at the point of sentencing an individual for a gambling related offence to lessen the propensity to gamble in the future.

SA Office of Director of Public Prosecutions (DPP)

Informants from the DPP reported that they had no direct requirement for summary information on gambling related crime. It was suggested that if they had evidence that gambling related crime was increasing substantially, they might inform the court to enable the court to consider whether there was a need for any penalties to include a general deterrence component.

Department for Correctional Services

Informants from the Department for Correctional Services indicated that information on the gambling behaviour of their clients would be useful in a number of ways. From an individual

Appendix B: Gambling related crime in South Australia—continued

perspective it would provide additional information to assist in the development of case plans. Summary information on the total number of clients with gambling issues (particularly those for whom gambling was directly related to their offending) would enable policy decisions to be made about the need for prison programs on gambling.

Summary of the need for data on gambling related crime

The Department for Correctional Services (DCS) felt that the collection of data on gambling behaviour of clients would be useful on both an individual basis as well as contributing to policy re the provision of programs and services within the Department.

Overall however, with the exception of DCS, most agencies indicated that data on gambling related crime would not assist them greatly in their day to day operational activities. For most agencies consulted, the need for statistics on gambling related crime was seen in high level terms of educating the community, informing government about the impact of problem gambling and enabling the most appropriate allocation of funding for gambling help services.

Appendix B: Gambling related crime in South Australia—continued

SECTION 6: OPTIONS FOR FUTURE DATA COLLECTION

As indicated in Section 3, within the South Australian government and its affiliates, there is little or no data collected in relation to either the offending behaviour of problem gamblers or the gambling behaviour of offenders, that will assist in our understanding of the extent and nature of gambling related crime. Without this information it is not possible to assess the true impact of such criminal activity, including the costs to victims, the criminal justice system, and the community in general. It is also not possible to provide an appropriate response for problem gamblers accessing help services, as well as in the courts or within correctional services.

This section outlines a number of options for the future collection of data on gambling related crime and discusses the advantages and issues associated with each. These options were identified through discussions with informants or from the review of current research.

It is stressed that the true extent of gambling related crime is very difficult to determine, simply because there will be a proportion of individuals who will not come into contact with either a gambling help service or the criminal justice system or, if they do, they will not disclose the relationship between the offence and gambling.

It is also acknowledged that no single data collection option would provide comprehensive information on the extent and nature of gambling related crime, because each applies to a specific group of individuals. For example, analysis of gambling help services data is limited to individuals who access these services and may not be representative of problem gamblers within the community, or those who appear in court, or those who become clients of the Department for Correctional Services.

Amendments to existing databases for ongoing data collection

The following options relate to the inclusion of one or more data fields relating to gambling onto databases administered by government agencies.

Option 1: Inclusion of one or more additional data fields on the SAPOL database

The Victorian Casino and Gambling Authority report on the impact of gaming and crime statistics suggests that police, as “gatekeepers to the criminal justice system” would be the best organisation to generate data on gambling related crime (Centre for Criminology and Criminal Justice, 2000). Under this option police would identify whether or not an offence was related to gambling and enter relevant information directly into the database. Because the database already includes a wide range of offence and demographic information that could be linked to the gambling related offence, in addition to estimating the proportion of gambling related offending, this would enable the development of a detailed profile of gambling related crime and offenders.

Informants from SA Police indicated that it would be possible to modify the database to include additional data fields, although several weeks would be required to complete such a task (costs for this process were not available). However, there are a number of issues to consider in relation to this option, as follows:

Appendix B: Gambling related crime in South Australia—continued

Type of information collected

Would the police simply record whether or not an offence was gambling related, or would they record additional details as suggested by the Centre for Criminology and Criminal Justice, such as the frequency of gambling, the type of gambling, and average weekly outlay? (Centre for Criminology and Criminal Justice, 2000 p 74)

The number of data items and their relative complexity also has implications for the time taken to complete an Apprehension Report.

Identification of gambling related offences

In the first instance, there would need to be a clear definition of what circumstances met the criteria of a gambling related offence to minimise the possibility of misinterpretation and the recording of invalid data.

There is also the question of whether the police would record the information only from the facts obtained as part of the apprehension process, or whether they would be required to ask direct questions. Direct questioning about gambling behaviour has implications for leading the investigation and providing the accused with a potential defence.

In addition, according to SAPOL informants, an increasing number of accused persons are refusing to answer questions at the apprehension stage.

Offence types

Another consideration is whether police would be required to record information for all apprehended persons, or only target specific offences such as *fraud* or *larceny by a servant*.

One option is that a yes/no tick box indicating whether or not the offence was gambling related is completed for each Apprehension Report. If the response was yes, additional data fields could be completed to provide further details of the gambling behaviour. Again, this question has relevance for the time taken to complete the apprehension process. While targeting specific offences with a known link to gambling would have less impact upon police resources, it would also be useful to collect data covering a broader range of offences, particularly violent offences.

There is the additional complication that one Apprehension Report may involve several offences, of which none, some, or all, might be gambling related. There would need to be a process of recording the relationship to gambling for each offence.

Training and awareness

Including additional data fields of this type within the SAPOL database would require considerable training to ensure that the appropriate information is recorded. As indicated by one informant: “that’s a huge impact upon the organisation...we are talking three and a half thousand members”.

Support from SAPOL

To implement this option would also require significant support from all levels within SAPOL. This may be problematic, as current evidence from within the Justice system does not indicate that the incidence of gambling related crime is very high. One informant commented that: “if somebody could produce data that said problem gambling causes as

Appendix B: Gambling related crime in South Australia—continued

much of a problem with respect to crime as alcohol and illicit drugs then you really would have justification to engage training and awareness”. The dilemma is that police need to collect the data in the first place to justify the data collection process.

Even if high level agreement were given for the collection and recording of data on gambling related crime, there is no guarantee that operational police will be committed to the process, especially if gambling is not seen as a significant factor in the commission of crime in general. Gambling is a legal activity and, unlike drugs or alcohol, there are no obvious physical symptoms relating to gambling that can be observed by police. As indicated in the literature review, the use of a ‘gambling related offence’ form for police to complete during a research study in Canada, was not successful in comprehensively identifying gambling related crime (Smith et al, 2003).

In the light of these findings, it may be appropriate for a pilot study to be conducted within one police Local Service Area to determine the best method of collecting such information.

Limitations of the data collected

It is likely that the data collected would relate only to apprehensions where the accused admitted to the offending. This process would not cover a considerable number of apprehensions where the accused denied the allegations or refused to answer questions.

The data would also be limited to persons who are prepared to admit to a gambling problem. It was suggested by one informant that accused persons are less likely to disclose such information at the apprehension stage compared with the court stage because “...they are in enough trouble...they don’t want to get into trouble about gambling....”.

Overall, the inclusion of additional data items on the SA Police database relating to gambling would require substantial commitment and resources to ensure that the information was comprehensive and valid. However, given the limited options available, this may be a necessary step to obtain statistical data on gambling related crime at the apprehension stage of the contact with the criminal justice system.

Option 2: Inclusion of additional data items on the Courts Administration Authority CrimCase database

The States Court Administrator, Mr Bill Cossey indicated that he had no objection in principle to the recording of additional data on the courts data base to indicate that the charges being considered by the courts were related or not to problem gambling, on the understanding that the information was tendered in court and that court staff were not required to seek out the data.

However, it is acknowledged that there are some complexities with this proposal. As identified in the literature review, the relationship between gambling and crime may be coincidental, co-symptomatic or instrumental. For the information collected to be useful, there would need to be a clear definition of a gambling related offence to distinguish between persons who commit offences as a direct result of a gambling problem and those offenders who may be problem gamblers but where the offending behaviour in question is not linked to that problem. Given that it may be difficult in some circumstances to make that distinction, it is suggested that it would not be appropriate for the Court Clerk to have the responsibility for determining whether an offence was gambling related, and that the Magistrate or Judge may be required to direct the clerk to make the notation at the sentencing stage.

Appendix B: Gambling related crime in South Australia—continued

In general, including an additional variable with up to five response choices within the database would require resources (personnel and funds) to:

- develop the appropriate question and response categories;
- modify the system; and
- provide training to Court Clerks, Registry staff and the judiciary in the appropriate recording practices.

In terms of time, once the data to be collected was finalised, the appropriate variable developed, and required approvals obtained, it is estimated that it would take approximately one week to make the necessary modifications to the system. This, along with training of relevant staff, would require a total time for implementation in the range of three to six months.

In summary, there is potential for important information to be collected that will contribute to our understanding of the relationship between gambling and crime, particularly in the Magistrates Courts where there is currently limited capacity to record information and to retrieve what has been stored. However, in addition to amendments to the database system, this process would require the cooperation of Magistrates and Judges in determining gambling related offences.

Option 3: Amendments to the Department for Correctional Services (DCS) database to allow extraction of existing data or inclusion of additional items

Accessible data on the gambling behaviour of offenders within Correctional Services is an important component of the range of data required to further our understanding of the impact of gambling on crime.

As indicated, information regarding the gambling behaviour of defendants is not specifically collected by DCS as part of their normal assessment and case management process, but it is recorded in case plans or individual development plans where a gambling problem is identified. At present, this information can only be extracted on an individual basis.

In the first instance, one possibility to enable the collection of gambling related data is that DCS data records be amended to allow for the extraction of summary data on the gambling behaviour of DCS clients. However, detailed information on the feasibility and cost of amending the DCS database in such a way was not available during this project.

Alternatively, informants from DCS were generally supportive of initiatives to collect specific data on gambling behaviour, as long as appropriate resources were available to undertake any additional duties. In contrast with SAPOL and courts, informants indicated that they would have no concerns regarding directly questioning clients about gambling behaviour and its relationship with their offending. It was noted that this would assist them in preparing case plans and referring individuals to appropriate rehabilitation programs.

As indicated in Section 3 “Review of data sources on gambling related crime”, DCS are currently investigating options for updating their assessment process and one of the new risk/needs assessment tools being considered is the New Zealand Criminogenic Needs Index (CNI), which includes an assessment of gambling behaviour. The CNI is also able to be stored electronically. It is therefore possible that, in the near future, information regarding

Appendix B: Gambling related crime in South Australia—continued

gambling and crime will be available from DCS and there may be no need for a special project to facilitate the collection of such information.

In summary, information on the gambling behaviour of offenders within institutions or community corrections is necessary to contribute to our understanding of the relationship between gambling and crime. DCS are supportive of moves to obtain this information for their own operational purposes and are investigating new assessment tools that will also require the collection of data on gambling behaviour. As a result, while acknowledging the resource implications in modifying databases, there is considerable potential for the collection and recording of gambling related data from the DCS.

Option 4: Inclusion of additional data items on the Break Even data set

Informants in the Department of Human Services and within individual Break Even agencies were asked their views about the inclusion of questions relating to crime in the Break Even data set. It was acknowledged that it was technically possible to expand the database, and that there is also the capacity to include a small number of temporary questions. However, a number of concerns were raised, as follows:

The data set has recently been reviewed and revised

A major review of the Break Even data set, involving representatives from DHS and all Break Even agencies, has recently been conducted and a range of options discussed. The major concern was to ensure that the data was comprehensive and valid, but not overly onerous for agencies to collect. It is unlikely that further changes to the database will be considered in the near future, unless there is significant support from the majority of Break Even services.

Number of questions

In general, informants were concerned about the expansion of the Break Even data set, which they felt already included a large number of items. One informant indicated that data collection currently takes up a significant amount of the first interview with a client.

One suggested option to limit the number of questions asked of all clients was to include an illegal behaviour screening question in the Break Even questionnaire, along the lines of that asked of problem gamblers in population studies (i.e. “have you ever obtained money illegally to gamble—even if you intended to pay it back?”). Additional questions pertaining to the type of behaviour would then be asked only of those who responded affirmatively.

Type of questions

Many informants from the Break Even services had concerns with asking clients directly about their illegal behaviour. They reported that many clients are often distressed and in crisis at the first visit and it would be inappropriate to ask such questions in these circumstances.

It was also noted that some clients are very suspicious of the data collection process and to request such sensitive information could potentially compromise their relationship with the counsellor. At the very least, it was felt that a number of clients would not respond truthfully.

In contrast, two agencies indicated that they already asked such questions for their own purposes and that this did not represent a threat to the counselling process. It was also noted

Appendix B: Gambling related crime in South Australia—continued

by most agencies that many clients, at some point in the counselling process, were very willing to disclose information about how their gambling had impacted upon their behaviour. Furthermore, a number of clients are referred to the service by their lawyer, or by the courts. For these clients, it is already known that they have engaged in illegal behaviour.

Timing of questions

In general, the Break Even questionnaire is administered to a client at their first visit, unless as indicated, the person is distressed and needs immediate assistance. A number of informants indicated that, while some clients revealed a great deal of information at the first session, this was not always the most favourable time to ask potentially sensitive questions. It was suggested that financial counsellors would be more likely to obtain this information at the first visit compared with therapeutic counsellors, because they would naturally ask about inconsistencies between income and expenditure.

Other informants indicated that they would be willing to ask questions about illegal behaviour at a time when they felt they had built up a relationship with the client, which may be several visits into the counselling process. However, as some clients only make one or two appointments, it was noted that this information would not be asked of all persons who make contact with the service.

Counsellors also reported that they would prefer to see the question arise naturally as part of the counselling process, rather than as a set question at the time of assessment. They felt that they would be more likely to obtain truthful responses and less likely to make the client feel uncomfortable or suspicious. However, this has implications for the validity of the responses if clients are being asked questions in different ways.

Recording from ‘stock knowledge’

A number of counsellors indicated that they would not feel comfortable in any circumstances asking direct questions or probing about illegal activities, and that they would only be prepared to record information volunteered by the client.

Concept of illegal behaviour

It was noted by a number of Break Even counsellors that clients might have different views about the type of activities that constituted criminal/illegal behaviour. In particular, it was suggested that stealing from family or friends was not considered criminal (e.g. taking money from a joint bank account was almost invariably ‘borrowing’), nor was behaviour such as obtaining goods or services without the means to pay for them.

An alternative view was that clients considered behaviour from a moral rather than legal viewpoint. While stealing from family or friends was considered highly immoral, stealing from a large wealthy organisation, such as a bank, was justified. As it was put by one informant: “if you don’t feel bad about it, then it’s not a crime”. Some clients justify the illegal behaviour in that they are stealing to obtain money for food, overlooking the fact that they have no money for food due to gambling. This has implications for the type of question that should be asked and the need to ensure that the client understands the meaning of ‘illegal’ activities.

Appendix B: Gambling related crime in South Australia—continued

Client consent

As indicated elsewhere in this report, Department of Human Services (DHS) has discontinued the requirement for written consent by the clients, given that the data forwarded to DHS is anonymous. However, a number of Break Even informants indicated that they would still request client consent to record any information that they might consider sensitive. As experienced with the initial Break Even data set, this may potentially impact upon the number of responses received and ability to make conclusions from the data.

Summary

In general, there was little support among the Break Even agency informants for inclusion of such questions in the data set, for reasons of: client comfort, the time taken away from the counselling process, and the potential to compromise the relationship between the client and the counsellor. There was more support, although still limited, for asking questions at any time considered appropriate as a natural part of the counselling procedure.

Despite these concerns, the Break Even database is a valuable resource on the attributes of problem gamblers who access gambling help services. Given that the data collection process is already established, it presents a considerable opportunity to increase our knowledge about the relationship between gambling and crime.

In recognition of the concerns expressed regarding this option, it would be appropriate to conduct a pilot study within one of the larger Break Even agencies to address issues such as the number and type of questions to be included and the need for flexibility in the timing of those questions. The pilot could also assess the impact of the questions on the counselling process and the feasibility of expanding the data collection to the whole service.

Option 5: Modifications to the Gambling Help Line database to include information about the type of illegal activity

Although part of the Break Even network, the Gambling Help Line is considered separately here, given the different nature of the service.

Under this option, the Help Line counsellors would record information about the type of offending committed by clients, if and when the information was volunteered.

Informants indicated that it would be inappropriate for the service to directly question callers about criminal activities. Many callers are in crisis and need immediate help for financial, relationship or health issues. Other callers are very concerned about their privacy and may terminate the call in response to such questions. It was suggested that asking about criminal activities would be likely to compromise the service by diverting attention from immediate issues and/or prompting callers to hang up before they receive the assistance they require. However, it was noted that concerned family members or friends who contact the service may be more willing to provide information about the criminal activities of the problem gambler.

There was general support from the informants for modifications to the current system to allow them to record details about criminal activities, if the caller volunteered the information. For example, two data fields could be added as follows:

Has committed offences due to gambling problem? (Yes/No); and

Appendix B: Gambling related crime in South Australia—continued

If yes: type of offences (multiple choice, including a range of offence types identified in consultation with counsellors).

Additional data collection would require:

- approval from the Director of the Gambling Help Line and the Department of Human Services;
- development of relevant questions;
- modifications to the database; and
- training of counsellors to ensure the data was collected in a valid and consistent manner.

Time limited data collection methods

The following Options 6 to 12 relate to specific projects that do not require modifications to existing databases and where data is collected over a limited time period. In general, they involve the completion of a survey questionnaire or data sheet by relevant persons, which would then be collated and analysed. If successful, they could be repeated at regular intervals.

Option 6: SAPOL apprehending officers to complete separate survey questionnaires/data sheets on gambling related offences

Under this option, apprehending officers would complete an anonymous survey form/data sheet whenever a gambling related offence came to their attention. The data sheet would generally involve ticking the relevant response, but would include room for comments. This information could be collected over a short period (e.g. three months) in designated regions. If successful, the process could be repeated at regular intervals (e.g. every two years).

The type of information to be collected would include demographic information (sex, age, marital status, employment status, ethnicity) as well as offence type and gambling type. However, to encourage police cooperation, the form would need to be short and easy to complete.

The major advantages of Option 6 are the fact that it would not require modifications to the SAPOL database, and being time limited, it is more likely to receive support from SAPOL. On the other hand, several of the same concerns apply as with inclusion of data fields on the database. There would need to be a clear definition of gambling related crime and training to ensure the data was collected consistently by different officers. It would still require time resources on the part of police, although it would be limited to gambling related cases. The process would also need the support of all levels of police to work effectively. Another consideration is that the data would have to be forwarded to an appropriate agency for collation, analysis and reporting.

Option 7: For a limited time, police provide a survey questionnaire to apprehendees, including a return envelope to a coordinating agency

This would limit the role of police in requesting information. However, it would require the cooperation of accused persons to complete a questionnaire and return it. It is likely there would be a low response rate.

Appendix B: Gambling related crime in South Australia—continued

Option 8: Completion of a survey questionnaire/data sheet by Police Prosecutions for each file finalised

Under this option, for a limited time period, police prosecution officers would fill out a short survey questionnaire for any matter that was found to be gambling related. This would be forwarded to an appropriate agency for collation, analysis and report. Again, this option would require the cooperation and training of Police Prosecutions, although they are a much smaller group than apprehending officers in general. This option would also be a viable alternative to Option 2 (which would involve modifications to the courts database and the cooperation of Magistrates to indicate which files were gambling related).

Option 9: Completion of an anonymous survey questionnaire/data sheet by criminal practitioners within Legal Services Commission (LSC)

This option would provide information on gambling related crime from the defence perspective.

Under this option, for each file finalised over a limited time period, relevant LSC officers would complete a short form detailing the demographic characteristics of the defendant (sex, age, ethnicity, marital status and employment status) as well as offence details, outcome of the case, gambling type, and nature of the link between offending and gambling. This would be forwarded to the appropriate agency for collation, analysis and reporting at the end of the collection process.

In general, informants from the LSC supported this option. This option would require the support and cooperation of officers within the LSC and training/guidance would be required to ensure that gambling related court cases were recorded correctly and consistently.

The major disadvantage of this option is that it would only cover clients of the LSC.

Option 10: Completion of an anonymous/data sheet by Break Even counsellors for every client within a limited time period

Under this option, Break Even counsellors would complete a data sheet for each client who admitted to a gambling related offence, including demographic information, offence details, and some indication of the nature of the gambling problem.

There was general support for this option from Break Even informants, as long as the data collection did not compromise the provision of counselling services. However, a number of counsellors indicated that they would still require permission from the client to record the details, which may discourage some clients from participating.

Option 11: Completion of an anonymous survey questionnaire/data sheet by Break Even clients

This option was put forward as an alternative to the collection of information from Break Even clients during the counselling process. It was felt that asking questions for research purposes might 'take over' the session and compromise the service provided to the client. Instead it was suggested that clients be given the opportunity to complete a survey form at some time outside the session, with or without the assistance of the counsellor. Informants

Appendix B: Gambling related crime in South Australia—continued

indicated that if the purpose of the research could be explained to the client, and if they could be assured that their responses would be anonymous, then clients would generally be supportive.

*Option 12: Completion of a survey questionnaire/data sheet by DCS
Community Corrections officers, Case Management
Coordinators and Social Workers*

As with the options discussed previously, this would involve, over a limited time period, the completion of a short questionnaire detailing demographic, offence, and gambling behaviour information for each sentenced client at assessment. There was general support for this option from DCS informants, although there was concern about the potential resource implications of a long questionnaire.

*Option 13: Data collection within Culturally and Linguistically
Diverse Communities*

There is a need to consider the specific data collection requirements for Indigenous and multicultural communities within South Australia. Informants from specialist Break Even services noted that unless data collection methods were culturally appropriate, the data obtained would not be valid. In particular, many clients would be suspicious of research and uncomfortable with direct survey questionnaire methods of data collection. In these circumstances it might be more appropriate for information to be obtained through a series of focus groups conducted by trained community educators or persons with established links within the communities.

The main disadvantage of such a data collection method is the fact that it will not be able to quantify the extent of gambling related crime within these communities.

It is stressed that any such research/data collection process must be developed in close consultation with these communities, to ensure that it is culturally relevant and that the results obtained are valid and reliable.

Summary of future data options

This section has outlined a number of data collection options to contribute to the understanding of the nature and extent of gambling related crime. As indicated, options involving modifications to databases (Options 1 to 5) will require considerable support from all levels within the agency to ensure the data collected is comprehensive and valid. There are significant resource implications, including the development of appropriate data fields, actual database modifications, and training of relevant officers.

Options 6 to 12 involve time limited data collections using a survey questionnaire or data sheet. These options do not need database modifications, but would still require the cooperation of relevant officers. They would also have implications for analysis and reporting. While modifications to the database would ensure that summary information on gambling related crime could be obtained relatively easily, short term data collections

Study into the relationship between crime and problem gambling

Report to the Minister

Appendix B: Gambling related crime in South Australia—continued

involving data sheets would require the collation, analysis and reporting of results by an appropriate agency.

Option 13 recognises the need for data collection methods to be tailored to meet the specific requirements of Indigenous and multicultural communities within South Australia.

Appendix B: Gambling related crime in South Australia—continued

SECTION 7: MEETING THE TERMS OF REFERENCE

Terms of Reference 1, 3, and 5

1. *The Authority must identify what statistics are presently available in South Australia which deal with, or reflect, the motivations or cause or influences of offences where gambling or gambling related problems form part of that background, including, but not limited to, statistics held by:*
 - (a) *the Office of Crime Statistics and Research*
 - (b) *the Director of Public Prosecutions*
 - (c) *the Department for Human Services*
 - (d) *the Courts Administration Authority*
 - (e) *the Legal Services Commission of South Australia.*
3. *The Authority must collect data concerning the matters set out in clause 1, in order to support the information ascertained.*
5. *The Authority must present findings concerning a relationship in the form of a report suitable for tabling in Parliament.*

There is no systematic and ongoing collection of data that can be used as a valid measure of the extent and nature of gambling related crime in South Australia. While some information is available (e.g. from police and court files) most of the data is difficult to access and varies considerably in comprehensiveness. As a result, any attempt to quantify the extent of gambling related crime from these sources would most likely be an underestimation.

A review of 800 randomly selected police apprehension reports from 2001 found six (0.8%) that were considered gambling related, involving fraud, larceny, armed robbery, and serious criminal trespass offences.

The analysis of 500 randomly selected Adelaide Magistrate Court files (250 each for the two offences of larceny and fraud) found 12 (2.4%) that were gambling related. Overall, 1.2% of the larceny files and 4.0% of the fraud files were gambling related.

The analysis of 1800 sentencing remarks from cases heard in the District and Supreme Courts of South Australia from January 2000 to June 2003 found 23 (1.3%) that were gambling related.

However, it is acknowledged that police Apprehension Reports and court records have substantial limitations with regard to the recording of any link between the offending behaviour and problem gambling.

Terms of Reference 2 and 4

2. *The Authority must recommend ways in which statistics dealing with or reflecting the relationship between gambling and crime may be collected more effectively.*
4. *The Authority must provide suggestions for systematic improvements, which could be made in the collection of crime statistics to facilitate ongoing analysis.*

Appendix B: Gambling related crime in South Australia—continued

To acquire a meaningful and comprehensive understanding of the extent and nature of gambling related crime in South Australia, from the perspective of both problem gamblers and offenders, a range of data collection processes are required. A number of options for data collection are proposed. These encompass:

- modification to existing government databases to include additional data on gambling and/or
- the development of a number of time limited research projects/data collection processes within relevant sectors.

Informants were generally more supportive of data collection processes involving the completion of short survey questionnaire or datasheets for a limited time period. However, it is noted that, notwithstanding the costs and resources involved, the inclusion of additional items in existing databases, where practical, presents a considerable opportunity for the collection of information that will contribute to an understanding of the relationship between gambling and crime.

Overall, the key factors that will impact upon these options are:

- the costs involved in developing appropriate data fields, modifying existing data bases and implementing the data collection process, such as staff training;
- the resources required by each agency to collect the additional data;
- the impact of the data collection process on the activities of the agencies involved;
- the level of commitment to the process within each agency to ensure data collected is comprehensive and valid;
- the representativeness of the data collected; and
- the resources required to access, analyse and report upon the data.

Terms of Reference 6

6. In carrying out the study, the Authority must have due regard to the protection of confidential information.

During the conduct of this project all appropriate measures were taken to protect the confidentiality of information. While limited confidential information was extracted during the study, when accessing confidential records OCSAR adhered to the agreements currently in place with other criminal justice agencies. No identifying information was recorded in this process.

Terms of Reference 7

7. The Authority must summarise the existing research on the relationship between gambling and crime.

An extensive literature review indicated that:

- Research has focused on the prevalence of gambling related crime within different subgroups, namely: problem gamblers within the general population; problem gamblers who access treatment and counselling services; and persons who come into contact with

Appendix B: Gambling related crime in South Australia—continued

the criminal justice system. The prevalence of gambling related crime varies according to the subgroup examined, as well as the measures used.

- Population studies generally show the lowest rate of gambling related crime among persons identified as problem gamblers. The latest figures in South Australia show that between 0.8% and 1.6% of problem gamblers within the population were involved in a gambling related crime. Other studies from within Australia have put this figure as high as 15%.
- The percentage of problem gamblers in treatment or counselling who commit gambling related crime is estimated at between 20% and 60% in Australia. There are no equivalent figures for South Australia.
- While few studies of official crime data have been conducted to date, research using police and court files found much lower prevalence of gambling related crime (4.0% and 2.67% respectively) compared with studies on problem gamblers who access services, and prisoners. It was noted that both police files and court files have a number of limitations as a measure of gambling related crime, and will most likely underestimate its occurrence.
- The percentage of prisoners in Australia who are assessed as problem gamblers varies between 17.4% in Queensland and 33% in South Australia. However, caution should be used when comparing these figures due to the varying measures used.
- An unknown percentage of gambling related crime will never be quantified because:
 - a number of offences will never be detected;
 - even if detected, offences may not be reported to police;
 - not all problem gamblers access treatment services; and
 - not all problem gamblers who access services will disclose criminal activities.
- The causal relationship between gambling and crime has not been determined. Research has demonstrated that many problem gamblers do not commit offences and that many prisoners identified as problem gamblers have committed offences not related to their gambling.

Appendix B: Gambling related crime in South Australia—continued

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Study into the relationship between crime and problem
gambling

Report to the Minister

Appendix B: Gambling related crime in South Australia—continued

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