

Treatment is a long shot for gamblers in jail

by Onell R. Soto

Michelle MacLaren is a gambler.

"I would sit at the casino seven days a week, 17 hours a day," she said.

The 52-year-old from Coronado, Calif., also is a thief.

GAMBLING ADDICTION - Michelle MacLaren of Coronado, Calif., who was recently sentenced for grand theft, says she has no clue how much money she lost while gambling. CNS Photo by Nancee E. Lewis. "I'm a criminal," she said recently while sitting in jail. "And I'm not a criminal. I'm an addict."

Before pleading guilty to grand theft in May, MacLaren, through her lawyer, asked a judge and a prosecutor to consider a psychiatrist's opinion that she is a pathological gambler.

It's a tactic lawyers are increasingly taking as the number of problem gamblers grows. They're asking for treatment rather than prison - as they do for many drug addicts.

Around the country and in San Diego County - which has a horse track, four card clubs and more Indian casinos than any other county in the United States - it's not a persuasive argument.

"They've been pretty routinely unsuccessful," said Keith White, executive director of the Washington D.C.-based National Council on Problem Gambling. "Many people view gambling as a moral or religious

issue. ... It's where we were with drug abuse 30 years ago."

Problem gamblers aren't all criminals, said Michael Still, a San Diego prosecutor.

"It's a very real and very serious problem for those who have it," Still said. "But when you try to lay the blame for your criminal actions on a condition you have ... I don't think there's a lot of sympathy."

He prosecuted David Macias, who stole more than \$100,000 over 20 years from the El Cajon, Calif., courthouse, where he worked as a supervisory clerk.

Macias took money from evidence files and pocketed cash that people paid when filing divorce papers and settling traffic tickets. He gambled it away playing cards and betting on sports.

"I could never stop," Macias told a probation officer in 2006, according to court files. "I always thought I could win it back."

A judge rejected gambling as an excuse and sentenced Macias to nine years in prison.

But at least one other court has changed its approach to gambling and its impact on crime.

A judge in a suburb of Buffalo, N.Y., established a gambling court in 2001, following the model of drug

courts. Gamblers who plead guilty to misdemeanors are able to skip jail time if they agree to treatment and intensive follow-up with the court.

Most gamblers can control themselves, but a small percentage of adults are potential problem or compulsive gamblers, said Mark G. Farrell, judge of the Amherst Town Court.

"They may be only 3 (percent) to 5 percent of the population, but they're wreaking a lot of havoc," he said.

Helping pathological and problem gamblers recognize they have a treatable condition works, Farrell said, noting that none of the 200 or so people who have gone through his program have been arrested again in a gambling-motivated crime.

Key to a successful program, he said, is keeping track of the people in it, and that means using family, co-workers, bosses, credit reports and probing questions to find out if people have relapsed.

"There's no pee test," Farrell said.

Louisiana has started a similar program, and other states have inquired about his program, he said.

NO CONTROL

Pathological gambling is a recognized mental condition, an impulse-control illness akin to pyromania or incessant hair-pulling.

People who suffer from it simply can't stop themselves, said Dr. Tim Fong, a University of California Los Angeles psychiatrist who counsels gamblers, including MacLaren.

"Can you stop breathing? Can you stop sleeping? It's that much a part of their behavior, their compulsive behavior," Fong said in explaining the condition.

"I see this as a brain disease," he said.

Studies have shown a relationship between crime and pathological gambling, said Bruce Roberts, executive director of the California Council on Problem Gambling.

Forty percent of gamblers in treatment in Oregon said in 2003 that they had committed a crime to pay for their gambling.

A third of problem and pathological gamblers had been arrested, according to a national study in 1999, compared with 10 percent of low-risk gamblers and 4 percent of nongamblers.

But gambling-related crime statistics are hard to come by.

"I'm sure we don't even keep a stat like that," said Lt. Phil Brust, spokesman for the San Diego Sheriff's Department.

"We just can't put our fingers on the numbers," said Steven Buchholz, chief probation officer for Lake County in Northern California, who is on the state's problem-gambling advisory commission.

He said probation officers across California lack the funds to track the people they're supposed to be supervising. That includes those with gambling problems, Buchholz said.

Probation officers in San Diego don't routinely ask about gambling, said probation department spokesman Darryl Acosta, but sometimes the issue comes up when talking with offenders about how they spend their money and free time.

That's not enough, said Julie Gibson, MacLaren's lawyer.

"If it's supposed to serve a purpose of rehabilitation and stopping (repeat offenders), then they're not doing it completely," she said.

New to the issue of gambling and crime when she met MacLaren, Gibson had a tough time believing that her client was such a big gambler until she got IRS forms filed by the casinos.

"I thought there were mistakes when I saw some of these things," Gibson said. "It was jackpot, jackpot. She kept winning."

LOSING TRACK

The losses were harder to quantify, and MacLaren, who now is indigent, still owes the IRS more than \$1.5 million in taxes on past winnings.

MacLaren said she simply didn't keep track of the money she gambled.

"What I lost, I haven't the faintest idea," she said.

That's not surprising to Suzanne Graupner Pike, a California psychologist who treats pathological gamblers. She said money - especially lost money - is not that important to pathological gamblers.

"People think (that) if they go back in there and continue to gamble, they will win it all back," she said.

Of course, the business is built on the fact that people lose more money than they win. Gamblers lost an estimated \$7.7 billion in California Indian casinos last year.

For MacLaren, gambling wasn't about the money.

She escaped into the machines.

In 2003, she financed her habit by stealing from people at the furniture store where she worked as a saleswoman.

Even when she got caught stealing and spent six months in jail in 2004, MacLaren failed to admit gambling was at the root of her problems and didn't get treatment.

At the time, she told a detective she suffered from bipolar disorder.

She kept gambling.

Then, last year, while living in a rented house and working for a mortgage company she had not told about her criminal past, MacLaren stole money from four people she met through work or through friends.

In addition to her gambling, MacLaren also spent money on trips and clothes, prosecutor Claudine Ruiz said. "She felt she could indulge herself with their money," Ruiz said.

MacLaren said she lived a "beautiful lifestyle," but claims she financed it with money she earned from working.

It all ended Jan. 17, when Coronado police arrested her on theft charges.

MacLaren went to jail, realized her problem and, at her lawyer's request, met with Fong of UCLA, who diagnosed her as a pathological gambler.

GAMBLING BEHIND BARS

Her time in jail has been difficult, because there are lots of opportunities to gamble there, MacLaren said. Prisoners use cards and dice to gamble for small items - potato chips, for instance, she said.

There are no Gamblers Anonymous meetings, but she was able to do self-treatment through workbooks.

MacLaren asked for help, but got a letter from jail officials saying there weren't enough people asking for those meetings to warrant holding them in the jail.

Commander Lori Bird, who oversees the jails, said gambling is against the rules, and incidents are dealt with on a case-by-case basis, but she doesn't think it's widespread.

"It's not a problem," she said.

Facing a judge and prosecutor skeptical of her gambling-addiction defense, MacLaren cut a deal in May, agreeing to a three-year prison sentence with no guarantee of treatment. Prosecutors dropped many of the charges against her.

Ruiz, the prosecutor, said MacLaren was a con, and that it didn't matter what she used the money on: She was stealing from old people and poor people, she knew what she was doing was wrong and did it anyway.

MacLaren doesn't totally disagree.

"I was a con," she said. "I was one of the best there was. I know that. That doesn't mean that you can't change."

Last week, a judge recommended that MacLaren serve her sentence in a restitution center in Los Angeles, which would allow her to work during the day and begin paying back her debts.

With good behavior, she'll serve about half her sentence before parole. Fong, her psychiatrist, recommended she get treatment and go to Gamblers Anonymous meetings. He says treatment is effective.

MacLaren said she's hopeful she has placed her last bet, and she's writing a book about her experience.

"Slot machines are no longer my best friend," she said. "I'm my best friend now."

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