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New York Gambling Treatment Court Stresses Help
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AMHERST, N.Y. — The docket in front of Justice Mark G. Farrell one recent Tuesday afternoon looked like a routine roster of small-time crime: petty larceny, attempted burglary, check forgery. But the offenders shared a single motivation: money to gamble.

Such is the criminal parade in the country's first and only gambling treatment court. Following the model of about 2,000 "therapy courts" devoted to drugs and spousal abuse that have opened nationwide in the last two decades, the setup here allows defendants to avoid jail time if they follow a court-supervised program that includes counseling sessions, credit checks and twice-monthly meetings with Justice Farrell.

"I realize this is demanding," the judge said the other day as he ordered Andrew Hallett, 19, who forged his father's checks to feed a bingo and lottery addiction, to attend Gamblers Anonymous meetings twice a week. "If you continue to apply yourself to the program, and you continue to go to the self-helps, we'll get you through it."

Mirroring the rise in gambling nationally and the opening of two new casinos near this suburb of Buffalo, the court's caseload has grown steadily since it opened in 2001, to several dozen cases a year from a handful. And as gambling has become more popular, with the growth of online poker and with New York State lottery revenues nearly doubling to \$6.8 billion over the past six years, Justice Farrell's docket includes middle-aged parents with college degrees and steady jobs as well as young drug users with criminal records.

"Gambling has become almost a genre in our society," said Justice Farrell, who lectures defendants with a stern voice and a no-nonsense tone. A majority of the gamblers he sees can hold their own, he said, "but it's the 5 percent that have problems, and we're seeing an expression of it in gambling court."

The gambling court is too small and too young to show statistically significant results, but its staff members say that more than half the 100-plus defendants so far have completed the treatment program, and only one has been arrested again — on an offense not connected to gambling. But drug courts have shown some impressive results: a 2003 study in Washington State found that participants were 13 percent less likely to become repeat offenders than defendants who went through the regular criminal system, saving \$3,759 per participant in potential administrative costs and \$3,020 in costs to victims.

The idea of expanding therapeutic courts to problem gamblers seems to be gaining momentum. Judges and lawyers in Buffalo have recently started steering gambling-related cases toward Amherst, and Justice Farrell has been in demand on the speaking circuit, talking about the program to prosecutors, counselors and other officials in 15 states since 2002.

Don E. Dutton, commissioner of the New Mexico Gaming Control Board, said a statewide task force there plans to recommend the start of such a diversion program by year's end.

Jeffrey J. Marotta, who manages the Oregon Problem Gambling Services in that state's Department of Human Services, said his agency expects to start a pilot program soon.

And in Louisiana, the state attorney general in 2004 set up a diversion program in which gamblers charged with nonviolent crimes can avoid trial if they get treatment.

Keith S. Whyte, executive director of the National Council on Problem Gambling, said California and Illinois have expressed interest in starting gambling courts. Also, Arizona trains its probation officers to watch for problem gamblers.

Justice Farrell, a 59-year-old lawyer, has spent about 35 hours a week since 1994 running Amherst Town Court. With 43,000 cases a year, it is one of the larger of New York's approximately 1,250 town and village courts, which handle two million criminal, domestic-violence, landlord-tenant, traffic and other cases each year. Justice Farrell started a diversion program from drug crimes in 1996, and for domestic violence in 1999.

Justice Farrell, who said he will visit local casinos a few times a year, "lose \$100 and figure out what kind of idiot I was," noticed the spike in gambling-related crime by looking for warning signs similar to those he saw with drug addiction and domestic violence.

In a two-and-a-half-week span a few years ago, he said, he saw a dozen cases of car theft, larceny and other crimes committed by otherwise unlikely suspects, and called in experts who determined that gambling was the common theme. Soon, the gambling court was born.

As with drugs and domestic violence, the gambling defendants must plead guilty to be eligible for the diversion program, which gives Justice Farrell broad discretion to defer punishment for up to a year and dismiss charges for those who complete the prescribed treatment regimen. But he said gambling can be more complicated, because the connections to the crimes are indirect. For example, there is no urine test to identify gamblers, and society generally treats addiction to cards or dice as a character flaw rather than a psychological disorder.

"People are more likely to admit they are a heroin addict than a gambling addict," Justice Farrell said.

So the judge and his staff members screen defendants after arraignments by asking those accused of, say, check forgery, why they needed the money. Court-appointed counselors look for signs of impulsiveness and weak self-control.

The gambling court meets every other Tuesday for an hour — just before the much busier drug court session — and on one recent afternoon it started by distributing leaflets on gambling addiction to all the defendants. Then the defendants heard from Karreen Kelly, a graduate of the drug court program after an arrest for driving while intoxicated, who said she spent “two years drinking in my bedroom” to deal with her husband’s compulsive betting.

Mrs. Kelly, who is 45 and works in retailing, said that constant calls from loan sharks and credit-card companies, and the loss of more than \$160,000, led her to consider suicide with a bottle of tranquilizers and a 12-pack of beer.

“When he started gambling, I didn’t think anything of it,” she said between sobs. “I had no time because I was working and with kids.”

Over the hourlong session, a young woman numbly admitted that she had relapsed, both using drugs and buying daily scratch-off lottery tickets. A man in sweat pants told a story about “replacing one addiction with another,” explaining that he had recently been in jail and found himself losing \$400 gambling with cellmates.

In another case, a man whose habits included sports betting, dice and animal fights had missed a scheduled counseling session.

“You need to be where you’re scheduled to be,” Justice Farrell warned him. “You play ball with me, I’ll play ball with you.”

Mr. Hallett, pencil-thin under a puffy ski jacket, started playing bingo at church before he turned 12, experimented with slot machines while on a cruise and soon was buying 15 to 20 lottery tickets at a time while also sneaking out for bingo.

“It was like a rush of adrenaline,” he recalled. “You’re hooked on that feeling.”

Mr. Hallett said he drained his bank account, then manipulated accounts at the doctor’s office where he worked, to keep finding the money to gamble. When he was fired, he took a job at Target and soon was caught stealing gift cards. He sold his stepsister’s DVDs, prompting his father to put locks on the bedroom doors.

Then his father had him arrested this year for forging checks.

Judith Munzi, a gambling recovery counselor at Jewish Family Service of Buffalo and Erie County, stood with Mr. Hallett in court and told Justice Farrell that the young man was a motivated patient, but that he suffers from attention-deficit hyperactivity disorder and may need to change his medication.

“The judge makes you not want to do something,” Mr. Hallett said afterward, vowing to stay out of trouble.

The three therapeutic courts, run under the broader auspices of the town court system, which pays the judge’s \$69,500 annual salary, receive about \$50,000 a year in grants and donations to cover the cost of urine tests, educational materials, computers, travel expenses and overtime for police officers who search for defendants with outstanding warrants. Treatment costs are separate.

While Justice Farrell’s court handles only misdemeanors involving \$1,000 or less, or felonies in which charges were reduced through plea bargains, the authorities here have also seen a rise in more serious offenses rooted in gambling.

John C. Doscher, chief of the white-collar crime bureau in the Erie County district attorney’s office, said his group has convicted nine people of stealing \$100,000 or more in gambling-related crimes since 2005.

Among them was Judith Ann Scheitheir, who pleaded guilty in January to stealing \$350,000 from the plant nursery where she worked to cover her credit-card debts and losses at casinos in Niagara Falls and Ontario. And Kenneth Mangione, chief financial officer at a boarding school for troubled children, was sentenced in March to six months in jail and ordered to repay \$50,000 after he confessed to stealing almost \$200,000 from the school to cover gambling losses.

When asked where the stolen money was, Mr. Doscher recalled that Mr. Mangione told prosecutors, “It’s at the casino.”

In gambling court, where Justice Farrell presides in front of a floor-to-ceiling mural that includes the American flag and a bald eagle, the numbers are smaller, but the stories are similar.

Experts said that therapeutic courts remain a rarity because many judges consider them an administrative burden, lawyers are often wary of letting their clients admit to an addiction on top of any particular crime, and financing is scarce.

“The easier thing to do is to sit back and see if it works elsewhere,” said Carson Fox, director of operations at the National Association of Drug Court Professionals.

It seems to be working for an up-and-coming boxer identified in court as Leslie R. After being arrested for petty larceny, he recently completed a year of treatment.

Justice Farrell gave the boxer a certificate and a key chain with the inscription, “Amherst Court: Where Treatment and Justice Meet,” along with a copy of “The Little Engine That Could,” the classic children’s book.

“I think Judge Farrell is very strict, but he’s fair,” Leslie R. said. “I don’t plan to be back here again.”