

Indian gaming industry

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The most recent Indian gaming statistics, provided by the National Indian Gaming Commission (NIGC), indicate there are approximately 360 Indian gaming establishments in the United States. These casinos are operated by approximately 220 federally recognized tribes, and they offer Class I, Class II and Class III gaming opportunities. The revenues generated in these establishments can be substantial.

Tribal casinos located in the eastern United States generated roughly \$3.8 billion in FY02. Those located in the Central United States recorded gross revenues of approximately \$5.9 billion, while those located in the Western United States generated close to \$4.8 billion. Most of the revenues generated in the Indian gaming industry are from Indian casinos located in, or near, large metropolitan areas. Currently, 12% of Indian gaming establishments generate 65% of Indian gaming revenues. Indian gaming operations located in the populous areas of the West Coast (primarily California) represent the fastest growing sector of the Indian gaming industry.

There are 565 federally recognized tribes in the United States. While not all tribes will seek to establish tribal gaming establishments, it is likely that more may do so. Additionally, many of the non-federally recognized tribes are seeking federal recognition to gain access to Indian gaming opportunities and other benefits of the federal relationship.

Regulations

The Act's purpose is to provide a statutory basis for the operation of gaming by tribes to promote tribal economic development, self sufficiency, and strong tribal governments. IGRA provides a basis for the regulation of Indian gaming adequate to: shield it from organized crime and corrupting influences; ensure that the tribe is the primary beneficiary of gaming revenues; and ensure Indian gaming operations are fair and honest for the operator and the players. IGRA also establishes an independent federal regulatory authority for gaming on Indian lands, Federal standards for gaming on Indian lands, and the creation of the NIGC.

NIGC's headquarters is located in Washington, D.C. It is managed by a chairman, appointed by the President of the United States, and has five regional divisions. NIGC Regional Headquarters are located in Portland, Oregon; Sacramento, California; Phoenix, Arizona; St. Paul, Minnesota; and Tulsa, Oklahoma. NIGC auditors and investigators ensure that Indian gaming establishments are complying with the minimum gaming standards outlined in IGRA. To accomplish this, NIGC auditors conduct yearly audits of gaming records maintained by Indian gaming establishments and, when appropriate, investigate regulatory matters. The NIGC has a major responsibility in the growing Indian gaming industry. Based on its congressional mandate, it is dependent on the FBI and/or other federal agencies to investigate allegations of criminal activity in Indian gaming establishments.

The National Indian Gaming Association

The National Indian Gaming Association (NIGA) is a non-profit organization founded in 1985 of 184 Indian Nations, with additional nonvoting associate members.^[1] The purpose of the NIGA is "to protect and preserve the general welfare of tribes striving for self-sufficiency through gaming enterprises in Indian country," and to "maintain and protect Indian sovereign governmental authority in Indian Country." The NIGA seeks to advance the lives of Indian people economically, socially, and politically. The NIGA's office building is located in Washington, D.C. The NIGA headquarters building was purchased by a tribal collective. It is the first structure to be owned by Native Americans in Washington, D.C.^[1]

The Indian Gaming Working Group (IGWG)

In February 2003, in an effort to identify and direct resources to Indian gaming matters, the FBI and NIGC created the IGWG. The IGWG's purpose is to identify resources needed to address the most pressing criminal violations in the area of Indian gaming. This group consists of representatives from a variety of FBI subprograms (i.e. Economic Crimes Unit, Money Laundering Unit, LCN/Organized Crime Unit, Asian Organized Crime Unit, Public Corruption/Government Fraud Unit, Cryptographic Racketeering Analysis Unit, and Indian Country Special Jurisdiction Unit) and other federal agencies, which include Department of Interior Office of Inspector General (DOI-OIG), NIGC, Internal Revenue Service Tribal Government Section (IRS-TGS), Department of Treasure Financial Crimes Enforcement Network (FINCEN), Department of Justice (DOJ), Office of Foreign Assets Control (OFAC), US Department of the Treasury, and Bureau of Indian Affairs Office of Law Enforcement Services (BIA-OLE). The IGWG meets monthly to review Indian gaming cases deemed to have a significant impact on the Indian gaming industry. As a result of these meetings, several investigations have been initiated. The IGWG through its member agencies has provided financial resources, travel funds, liaison assistance, personnel resources, coordination assistance and consultation.

The IGWG works as follows:

1. If suspected criminal activities are taking place in the Indian gaming industry and the interested office/agency does not have adequate resources to investigate this matter, the office/agency contacts the Indian Country Special Jurisdiction Unit, FBIHQ, at 202-324-3666. This contact may come from the FBI or an outside source or agency.
2. A small group of IGWG members will convene to determine if the alleged criminal violation is a matter of "national importance" in its effect(s) on the Indian gaming industry. If so, the IGWG will invite representatives from the affected FBI division, other federal agencies (if appropriate), the affected United States Attorney's office, and IGWG member agencies to meet and further review the case.
3. During this review, the agency eliciting the support of the IGWG will make a case presentation. Following a full review, the IGWG will assist the requesting office/agency to identify and obtain resources to assist in the investigation.
4. Throughout the investigation, the IGWG will assist by providing "experts" to assist in the investigation; allocating special funding (i.e., facilitating TDY travel, Title III support, special forensic examination, etc.); conducting liaison

with other federal agencies; facilitating the establishment of Indian gaming task forces, and/or providing consultation.

To properly detect the presence of illegal activity in the Indian gaming industry law enforcement offices with jurisdiction in Indian gaming violations should:

1. Identify the Indian gaming establishments in their territory.
2. Establish appropriate liaison with Tribal Gaming Commission (TGC) members, State Gaming Commission Representatives, State Gaming Regulatory Agency Representatives, and Casino Security Personnel.
3. Establish liaison with representatives from the NIGC and regional Indian gaming intelligence committees. Both will provide valuable information on scams, allegations of criminal wrongdoing, and other patterns of illegal activity.
4. Make proactive attempts during crime surveys to identify criminal activity in Indian gaming establishments.
5. Send investigators and financial analysts to training which provides them with the knowledge and skills they need to effectively investigate criminal activity in Indian gaming establishments.

References

1. ^{a b} Darian-Smith, Eve. *New Capitalists: Law, Politics, and Identity Surrounding Casino Gaming on Native American Land*, Belmont, CA: Wadsworth/Thomson Learning, 2004