WHAT WILL BE THE IMPACT OF CALFORNIA INDIAN GAMING CASINOS ON A MEDIUM SIZED LAW ENFORCEMENT AGENCY BY THE YEAR 2006?

A project presented to
California Commission on
Peace Officer Standards and Training

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Sacramento, California
November 2001

31-0620

This Command College Project is a FUTURES study of a particular emerging issue in law enforcement. Its purpose is NOT to predict the future, but rather to project a number of possible scenarios for strategic planning consideration.

Defining the future differs from analyzing the past because the future has not yet happened. In this project, useful alternatives have been formulated systematically so that the planner can respond to a range of possible future environments.

Managing the future means influencing the future; creating it, constraining it, adapting to it. A futures study points the way.

The view and conclusions expressed in this Command College project are those of the author and are not necessarily those of the Commission on Peace Officer Standards and Training. (POST)

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CHAPTER 1

INTRODUCTION

Defining the Issue

California has had two statewide elections within the last two years settling the public debate over Indian gaming. The recent legislative events have allowed California's federally recognized Native Americans the opportunity to establish Las Vegas style gaming casinos upon tribal lands.

The passage of Proposition 5 in November of 1998 set the stage for the governor of California to negotiate compacts (treaties) with the Native American tribes to allow the development of Las Vegas style gaming facilities. The proposition was immediately challenged and overturned by the California State Supreme Court. The high court ruled that because of California's ban on slot machines and house banked games such as blackjack; the proposition was ruled as unconstitutional.[1]

In March of 1999, the electorate of California passed Proposition 1A, an amendment to the California Constitution that permitted the tribes to develop and operate banked percentage card games on tribal lands if the tribe reached an agreement with the governor. By the end of the 1999, sixty-two tribes had signed compacts and were clear to proceed with gaming casinos without fear of State interference.

The expansion of Indian gaming is underway. There are approximately 320 thousand Native Americans currently living in California, more than any other state. The federal government officially recognizes 557 tribes, of which 109 are in California. Of these 109 tribes, forty-five have Indian casinos in operation. However, there are seventeen new casinos in the planning stage and they are expected to be operational

within two years. Of the forty-five Indian casinos currently operating, half are under expansion.[2] The Agua Caliente Tribe in Palm Springs, on April 1 of this year became the first tribe operating two Las Vegas style casinos.

The California Attorney General recently reported there are 25,196 slot machines in operation by the California Indians. These slot machines account for as much as 85 percent of a casino's revenue. One estimate says the amount of tribal gaming investments on the horizon have increased from $500 million last year to $3 billion today.[3] A study by Bear Stearns estimates that the California Indian gaming industry will reach 4.65 billon dollars by 2004, making the state second only to Nevada's eight billion in annual gaming grosses.[4] Taking into account the recent legislation, Native American population and casinos, California Native Americans, a group of people with a history of poverty, now stand on the threshold of immense wealth and political influence.

It is estimated there are about 9.3 million gamers in the state of California.[5] Earl L. Grinols, a professor of economics at the University of Illinois cites data estimating between two to five percent of gamblers have a problem or are pathological. Pathological gamblers are identified by the American Psychiatric Association as people unable to resist the urge to gamble and wind up in desperate financial straits because of gambling debts.[6] This means that California can expect to have anywhere from one hundred eighty six thousand to four hundred and sixty five thousand problem gamblers within the state.

This study will examine the possible future impacts of California Indian gaming casinos upon a medium sized law enforcement agency by the year 2006. For purposes of

this study, a medium sized law enforcement agency is one that has a minimum of fifty police officers and not more than two hundred fifty. The research will focus on how crime rates, calls for service, revenue sources and social issues may be influenced by Indian gaming in California.

Historical Development

Gambling has been a part of the United States since the beginning of the first colonies. In fact, all thirteen colonies used some form of gambling, usually a lottery to raise revenue.[7] The Revolutionary War forced the Continental Congress to authorize a national lottery to pay for costs of the war.[8] This form of gambling became acceptable because it supported a worthy cause, almost to the point of a civic duty to play a game of chance. Notable among later lotteries was a private lottery passed by Congress in 1823 for the beautification of Washington D.C. Unfortunately, the organizers absconded with the proceeds and the winner was never paid.[9]

In time, the Puritan philosophy relaxed throughout the colonies. Gambling was viewed by many as a proper gentleman's diversion as long as it was for moderate recreation and not a trade or calling. By the early 1800s as the population of the country grew, the first gaming casinos began to emerge with taverns and roadhouses allowing dice and card games.[10]

In the 1830s, anti-gambling forces began to unite behind lottery corruption scandals. The opposition was religious based and the public sentiment began to swing towards behaving in virtuous ways. The gambling issue was soon caught up the women's rights movement, education reforms and abolition of slavery. Legislation

prohibiting gambling was based on the premise that it was simply the wrong thing to do. In 1833 the first state lottery was outlawed in New York, Pennsylvania and Massachusetts. Twenty years later, only Kentucky, Delaware and Missouri allowed state lotteries.[11]

The California gold rush of 1849 and the frontier spirit started a re-emergence of gambling. Miners lured by the promises of easy and abundant riches, personified the frontier spirit better than the explorers before them. Mining was in itself a gamble, and risk taking was valued for it represented an opportunity for great wealth. Gambling became widespread throughout California. By 1850, both the state and cities were licensing gambling establishments to raise money.[12]

But once again, public opinion began to turn against gambling. The majority of the country began to seek respectability and avoidance of perceived social ills associated with games of chance. Initially the professional gamblers were targeted due to their affiliation with municipal corruption. Many of these gamblers were lynched. California began passing laws prohibiting gambling. By 1891, gambling for the most part was illegal.[13] Even with the prohibitions, the first slot machine was invented and premiered in San Francisco in 1895.[14]

The great depression, starting in 1929, sparked another comeback of socially acceptable gambling. The government looked upon legalized gambling as a way to stimulate the economy. Massachusetts decriminalized bingo in 1931 in an attempt to help churches and charitable organizations raise money.[15] Bingo was legal in eleven states by the 1950s, usually for charity purposes.[16] Nevada legalized most forms of

gambling in the state in 1931.[17] The state was motivated to support gambling to build upon the tourism boom that was expected by the building of Hoover Dam.

When examining the history of gambling, an obvious pattern develops. Communities allow gambling when it is perceived for the economic or social good. In time, corruption begins to infiltrate the established gambling. The same community no longer sees the good; instead the moral and social ills associated with gambling become the dominant perception. Gambling becomes prohibited until another economic or social benefit rises. This pattern existed until the Great Depression. There has not been a strong enough issue of corruption to overturn gambling. The economic benefits have overshadowed the organized crime problem that existed in Nevada and the moral question. The answer has been not to prohibit, but better regulate the gaming.

In 1979, the Seminole tribe opened a high stakes bingo parlor in Broward County, Florida.[18] This sparked twenty years of litigation between the states, federal government and Native Americans regarding the right to have gambling and the limits of regulation. The State of Florida had legalized bingo for nonprofit entities. The Sheriff of Broward County threatened to close the operation down since it did not conform to nonprofit requirements by state law. The Seminole Indians sued to prevent such an action. The United States Court of Appeals rejected the arguments of the State of Florida and ruled in favor of the Seminole Indians.[19] This was the first important decision in modern day Indian gaming, further confirming Indian sovereignty.

Indian tribes have existed as sovereign governments before the arrival of European settlers in North America. In time, the settlers and the United States government began to systematically squeeze and eventually force Native Americans from

their large tribal ranges to reservations. European nations and later the United States government, in exchange for land, guaranteed the tribe's continued recognition and treatment as sovereigns. In many situations, Native Americans were forced into the agreements. The federal government formalized the boundaries of reservations and agreements through treaties with each tribe. Clearly tribal government's rights had been severely limited, but confusion existed on how limited.

This confusion on sovereignty has been litigated for the last one hundred and sixty years. The United States Supreme Court has repeatedly recognized tribes as distinct political entities both protected by and subject to the laws and policies of the national government, not the states. In 1831, the Supreme Court decided in Cherokee Nation v. Georgia that Indian Nations had the full legal right to manage their own affairs, govern themselves internally and engage in legal and political relationships with the federal government.[20] Under this concept, the federal government has the role of guardian or trustee over the tribes. The Bureau of Indian Affairs, Department of the Interior, administers the guardianship.

The key court case triggering the explosion of Indian gaming in California and once again supporting Indian sovereignty over states rights was California v. Cabazon Band of Mission Indians. In 1987, California and the County of Riverside attempted to apply state and local regulations to gambling activities occurring on Cabazon and Morongo Indian reservations. These tribes both operated high-stakes bingo and certain card games on their reservations pursuant to their own tribal ordinances, which had been approved by the Bureau of Indian Affairs.[21] California argued that state and local law

applied to the tribes because two federal statues had authorized it: Public law 280 and the Organized Crime Control Act of 1970.

Public Law 83-280, commonly referred to as Public law 280 or PL 280, was a transfer of legal authority from the federal government to state governments. In 1953, Congress gave six states; California, Alaska, Minnesota, Nebraska, Oregon and Wisconsin extensive criminal jurisdiction over tribal lands within the effected states. The law provided an increased role for state criminal justice systems on Indian reservations, a virtual elimination of the special federal criminal justice role, numerous obstacles to individual Nations and their development of tribal criminal justice systems and increased confusion over state roles in civil related matters.[22]

The court found in the Cabazon case that Public Law 280 was intended for criminal cases or in other words, prohibitory laws where the issue was clearly against state public policy. The states could not enforce regulatory laws that addressed how actions, otherwise permitted, were to be conducted.[23] California maintained that high-stakes bingo and card games were prohibited. The state did allow games, limited to nonprofit organizations to raise money, while avoiding large scale gambling that might attract organized crime. Indian gaming was against California's public policy by engaging in large scale gambling.

The court rejected California's argument. The Cabazon ruling pointed out that California allowed bingo, card clubs and a state lottery. In the opinion of the court, the state did not prohibit gambling but simply regulated it. The court implied that once a state permitted any games in a class of gambling, the conduct was regulated and Indian tribes could offer those games free of state interference.[24]

After the Cabazon ruling, the Indian gaming industry began a rapid increase. The decision made it clear that Indians had the authority to conduct gaming activities on reservations unfettered by state or county regulation. In response to state concerns that Indian gaming activities presented attractive targets to organized crime, Congress enacted the Indian Gaming Regulatory Act in 1987. The law authorized the formation of a National Indian Gaming Commission to develop policy and provide oversight. The Act specified several mechanisms and procedures that included the requirement that revenues from gambling be used to promote the economic development and welfare of tribes. This law also divided the games of chance into three classes of gaming: Class I, Class II and Class III.[25]

Class I games are social games played for prizes of minimal value or traditional forms of Indian gaming and are regulated exclusively by the tribe. These types of games are ceremonial or related to Indian rodeos. Class II gaming consists of bingo, pull-tabs or card games permitted by the state or not explicitly prohibited. Generally, the common thread for Class II is that the players are playing against one other for a common pot and not against the casino. Class III includes electronic or electromechanically facsimiles of any game of chance or slot machines of any kind. These games involve betting against the house or casino, not player against player.[26]

The Class III gaming or casino gambling must be negotiated in a compact with the Native Americans' respective state. The compact may include tribal-state allocations of regulatory authority, terms of criminal justice cooperation and division of labor, payments to the state to cover the costs of enforcement or oversight, tribal taxes equal to

those of the state, procedural remedies for breach of compact and standards for the operation of gambling and licensing.

The National Indian Gaming Commission (NIGC) regulatory responsibilities are extensive for Class II gaming. Prior to a tribe opening a casino, the NIGC must approve the tribal gambling ordinance or any outside contractor or investor. Individuals or entities with a financial interest in management of a casino must submit to a background check by the commission. They have broad authority to monitor, inspect and examine gambling casinos and review or audit the operating records. If the NIGC believes there are violations, the federal government has empowered the commission to issues notices of violations, civil fines or closures.[27]

The Indian Regulatory Act was passed before the rapid explosion of Class III gaming. The emphasis of the law was upon regulation of Class II, leaving Class III regulation between the individual tribe and state. Specifically, the statue provided a basis that allowed Indian gaming in any state that does not prohibit gambling as a matter of criminal law or public policy. Hawaii and Utah are the only states in the union that do not have any form of gambling authorized, thus Native Americans residing in these two states do not have legal authority to operate gaming.

This law further codified the Cabazon decision by reaffirming that Indian tribes have the exclusive right to regulate gaming on Indian lands, as long as federal law did not prohibit it.[28] Recently the National Indian Gaming Commission was given the responsibility of background checks on Class III establishments as well. Nevertheless, the primary regulators of tribal gaming are the local Tribal Gaming Commissions. As noted by the NIGC's Deputy Counsel,

> The tribes generally serve as the primary regulators for gambling. They're the ones on the ground. They're the ones that are there twenty-four hours a day. On occasion states are there 24 hours a day, too, if the tribal/state compact provides for it, but by and large it is the tribes who are doing the primary regulating of Indian gambling.[29]

In the late 1990s confusion and controversy surrounded the Native Americans operation of Class III gaming. Clearly the Indian Gaming Regulatory Law (IGRA) permitted the Las Vegas style gambling, but only after an agreement (compact) with the state. The law directed the tribe to first ask the state to negotiate a tribal-state compact. The state in turn must negotiate with the tribes in good faith. If the state refused or did not conduct good faith talks, the tribes were allowed to sue the state in federal court. According to the IGRA, the federal court had the power to order the state into negotiations that had to conclude within sixty days. If this failed, then the court would appoint a federal mediator to resolve the dispute. However, if the state refused to follow the negotiator's proposal, the Secretary of the Interior had the authority to grant a gambling proposal and impose it on the state as long as it did not violate federal law or the trust relationship between the United States and the Indians.[30]

Despite this federal procedure, the 1996 Supreme Court in Seminole Tribe v. Florida established that the IGRA's provision authorizing tribes to sue was unconstitutional. The Supreme Court ruled that the Eleventh Amendment, which stated each state is a sovereign entity and that no sovereign entity shall be amenable to suit without its consent, gave states immunity and could not be compelled by the federal government to negotiate.[31] This created a stalemate between the Indians and the state governments.

In the late 1990s, California Native Americans desiring Class III gaming had no mechanism to compel then California Governor Wilson and the Attorney General Lungren to make an agreement. The Attorney General took the position that many tribes were already operating illegal slot machines, violating California and federal laws. There would be no agreement until the tribes first complied with the law.

In 1995 the San Diego Sheriff's office served county warrants on the Sycuan Band of Indians seizing slot machines. The Ninth Circuit of Appeal ruled that the Indians were in violation of the IGRA. The slot machines were being operated illegally since there was not a compact in place with the state, but neither the county nor the state could enforce the violations. IGRA placed the enforcement responsibility on the federal government. This further complicated the matter and solidified the stalemate.

The federal government was in no hurry to prosecute the Indians. The U.S. Attorney General, Janet Reno in a memo dated March 25, 1994 stated, "our reluctance to bring an action against a tribe is all the greater when states have avoided judicial dispute resolution mechanisms created by the Congress by invoking their 10^{th} and 11^{th} Amendment immunities."[32] In other words, the state's refusals to negotiate with tribes in good faith only compounded the problem, and the federal government was not about to bail them out.

The Native Americans took a different tactic. In 1998, the Native Americans successfully put on the ballot, and the California voters approved, the Tribal Government Gaming and Economic Self-Sufficiency Act, also known as Proposition 5. The proposition mandated the governor to enter into tribal-compacts and provided a framework of key terms and provisions for gaming, allowing Class III gaming.

Percentages of the money from the gaming had to be for medical care, education and economic development of Indian tribes. One percent of their net winnings would be used to address local needs.[33]

The stalemate over the gaming casinos did not break between the state and Native Americans until after the passage of Proposition 5 and the election of a new governor in 1998. Governor Gray Davis and the newly elected Attorney General Bill Lockyer took a different approach to the Indian gaming problem. Negotiations began early in the year and a few months later, forty-one tribes signed compacts with the state allowing gaming casinos. The state compact negotiated with Governor Davis and the tribal governments provided a system in which gambling revenues are to be paid to the state. Revenues are decided on a sliding scale and based on the number of slot machines each tribe has in operation:

Number of Terminals	Percent of Average Gaming Device Net Win
1 – 200	0%
201 - 500	7%
501 – 1000	7% applied to excess over 200 to 500 terminals 10% applied to excess of 500 to 1000 terminals
1000 - 2000	7% applied to excess over 200 to 500 terminals 10% applied to excess of 500 to 1000 terminals 13% applied to excess of 1000 terminals

The compact specifies the revenues can be appropriated through grants. This money must be used to treat gambling addictions and financial support for state and local governments impacted by Indian gaming.[35]

A new problem developed in August of 1999, when the California Supreme Court ruled that Proposition 5 was unconstitutional because it violated the State Constitution by allowing the operation of Class III gaming or Las Vegas style gambling.[34] Once again, Native Americans were instrumental in putting another proposition to the voters. This was Proposition 1A. 1A took the form of a Constitutional Amendment allowing Las Vegas style gambling by federally recognized Indian tribes on Indian lands. A few months later, the voters passed Proposition 1A and the negotiated Tribal-State compacts were legal.

Literature Review

A review of the research concerning the impacts of gambling concentrate primarily in two areas: crime and economics which includes bankruptcies. Earl Grinols and David Mustard, professors of economics at the University of Georgia, conducted one of the most comprehensive studies on the impact of casinos on crime.[35]

The researchers analyzed crime data from 3,165 counties in the United States over a period of twenty years, 1977 to 1996. They examined all seven Index I offenses, murder, rape, robbery, aggravated assault, burglary, larceny and auto theft; compiled by the Federal Bureau of Investigations while many studies just looked a two or three. This study also controlled for fifty variables that may affect crime rates and were excluded from other studies. For example, U.S. Census Bureau data was used to control for differing demographic characteristics among casino and non-casino counties, controlling for differences of income levels, unemployment rates, age, race and sex.

The study concluded that counties with casino gambling had an eight percent higher crime rate on average than a county without casinos.[36] The steepest rise in casino-linked crime was auto theft, followed by robbery. On the other hand, casinos had little or no impact on the murder rate. The researchers discovered that a casino had little impact on most crime until the third year after it was introduced into a community. Professor Grinols and Mustard reasoned that the rising impact of casinos on crime was consistent with the argument that it takes a while for gamblers to exhaust personal resources before resorting to larceny and other crime.

In the area of economics, research by Mark Nichols with University of Nevada in Reno and David Giacopassi, University of Memphis examined bankruptcy rates in communities with casino gambling. The study looked at personal bankruptcy in eight communities in the United States that recently adopted casino gambling. The eight communities were: Sioux City, St Joseph, St Louis City and St Louis County, all located in Missouri; Alton, Peoria and East Peoria, all located in Illinois and Biloxi, Mississippi. These communities have had casino gambling for at least four years but less than ten.

The results indicated that casino gambling is associated with an increase in personal bankruptcy in seven of the eight communities. In five of the seven communities the increase was statistically significant. The results also tend to suggest that there is a direct and positive relationship between length of time casinos have been in a community and the bankruptcy rate. Those communities that have had gambling the longest tended to have the higher bankruptcy rates.[37]

Another study demonstrated a correlation between the rapid growth and availability of legalized gaming and personal bankruptcies. In 1996, the SMR Research

Corporation looked at 298 United States counties that had legalized gambling. The investigators discovered there was a bankruptcy rate that was 18 percent higher than those counties of similar demographics without gambling. The SMR Research estimates personal bankruptcies cost more that $40 billion dollars in 1996, a cost on an average $408 passed on by business to the average family. George Yacik, vice president of SMR Research believes based on the research that gambling may be the fastest growing cause of bankruptcy.[38]

The National Gambling Impact Study Commission (NGISC) report is a key piece of literature about gambling in the United States. This two-year study initiated by the United States Congress examined all aspects of gambling, including Native American tribal gaming. The report was completed on June 18, 1999. The Commission was made up of nine Congressional appointees with broad difference of opinion. This diverse group conducted a comprehensive review of studies concerning the social and economic implications of gambling.[39]

The Commission reviewed gambling research and concluded that proponents of gambling tend to stress its economic benefits, while opponents tend to point to its social costs. The NGISC pointed out there are both significant benefits and significant costs and suggests that social and economic impacts are not easily severable. Employment, for instance, is both an economic and social benefit. Likewise, crime is both an economic and social cost. In addition, it is extremely difficult to quantify social costs and benefits. For example, a casino job might not be considered a true benefit, because other jobs may be available. On the other hand, bankruptcy might not be considered a true cost, because in the eyes of economists, the dollars are merely transferred. But in the context of real

people leading real lives, a casino job, complete with benefits, might be an individual family's saving grace. But to the family that must endure a bankruptcy, it is indeed a crisis and a cost to be borne.[40]

Most research on the economic effects of gambling was determined by the Commission to be poorly developed and incomplete. Individuals with a specific agenda conducted almost all of the studies. Research backed by gambling interests found economic favor, while those financed by opponents of gambling could only point out the negative. Typically the studies would go no further than to estimate local jobs and income from gambling industry and imply that the introduction of gambling activities in an area would result in significant benefits without social costs. Without estimates of costs to deal with the social issues produced by gambling, the Commission could not determine any meaningful conclusions of the net gains or losses.

The impact study report by the Commission stated that many policymakers have been forced to make decisions about expanding gambling with virtually no credible studies to rely on and, at best, only an assessment of the perceived social impacts. The NGISC recommended to Congress the adoption of a general research strategy to build a knowledge base of gambling behavior and its consequences on individuals and communities.

Interviews With Experts

Michael DiMiceli is the Assistant Executive Director with the Commission on Peace Officer Standards and Training (POST) and has been following the gaming issue in California from the perspective of certification for tribal police. Currently, tribal

police do not possess California peace officer authority. They are limited to enforcing tribal and federal laws within the confines of Native American tribal country. Legislation has been proposed allowing tribal police to become California peace officers, expanding their powers of arrest. POST has been studying this issue since 1994.

Mr. DiMiceli does not see gaming revenues benefiting all of the California Native Americans. About half of the tribes in California are not conveniently located for a gaming casino or may not be interested in getting involved in the venture. This creates a disparity in wealth. At least half of the Native Americans will not substantially benefit financially from the state compacts negotiated with tribes involved in the gaming industry. He did not believe the profit sharing within the state-tribal compacts was sufficient enough to bring the non-casino Indians out of poverty.

He has noticed a tremendous influence from Nevada. Many tribal members lack the expertise to start or manage gaming facilities and are entering into business agreements with the Nevada casinos. DiMiceli pointed out that the Rincon Indians in the San Diego area have entered into a 120 million dollar business agreement in which Harrah's Hotel and Casino, located in Las Vegas, Nevada, will help build and manage the Rincon's casino. He fears that much of the profits from California Indian gaming casinos will be siphoned off to Nevada interests instead of the resources remaining with this state.

The tribal police issue is viewed by Mr. DiMiceli as a way to gain public support and legitimize gambling in California. In his opinion, this is a public relations tactic by the gaming interests, bringing respect many have for law enforcement vicariously to the gambling industry.

I asked Mr. DiMiceli to forecast gaming impacts by the year 2006. He felt that California's bad public policy on gambling, allowing the state lottery, charity type gaming events and card rooms, has led to the current situation. He predicted in five years California would become a gambling state. California politicians will become concerned about the money generated in Native American casinos and their inability to tax that revenue. Local politicians will become frustrated with the state not providing sufficient money back to areas impacted by gambling. The state-tribal compacts require Native American gaming tribes to pay a percentage of slot machine profits to the state. DiMiceli does not believe this revenue will easily be returned to communities impacted by the gaming. Once Sacramento gets the money, it is often viewed as state money. State politicians tend to forget where the money came from in the first place. The slot machine money would more likely go state projects or to offset state budget problems.

City and county politicians will lobby the state, and state politicians with gaming in their area will push for state legalization of gambling to gain access to the enormous amount of revenue. California within five years will legalize Class III gaming for card rooms and allow non-Indian gambling casinos. Since most Indian casinos are located away from population centers, non-Indian casinos will be built closer to major cities allowing for more convenient gambling. The less accessible Indian facilities will eventually go out of business.

This proliferation of gambling, in Mr. DiMiceli's opinion, would hurt the poor and disadvantaged. In his observations, gambling casinos are frequented by the poor, the addicted and disadvantage people, looking for a quick fix to their financial woes. Problem gamblers will increase, bankruptcies will rise creating a larger crime problem

for law enforcement. He foresees a tear in the social fabric of California, predicting a rise in domestic violence and further disruptions of families.

DiMiceli recommended that law enforcement take a proactive position to prevent the state legalization of gambling. Law enforcement officials need to petition their legislators and support lawmakers with anti-gaming positions.

Diane Funk is one of five Cabazon Band of Mission Indian's tribal gaming commissioners. She has been a commissioner for over one year. This position meets on a part time basis similar and she receives a small stipend for her service. Ms. Funk works full time in the advertising business.

She pointed out that the Cabazon tribal commission is unique from the other tribes in the state. This commission is the only one made up entirely of non-Indian members not related to Cabazon Indians. Most tribal gaming commissions are made up entirely of tribal members working full time for a salary ranging anywhere from $40,000 to $100,000 a year. Commissioner candidates apply or in some cases have been invited by the tribe to apply. There is an interview process with the tribal council and an extensive background check before appointment.

According to Ms. Funk, tribal gaming commissions serve at the pleasure of the Indian tribal councils. The number of commissioners range from one to five members and serve staggered terms, usually one and two years. The purpose of the commission is to protect the assets of the tribe, protect the gaming interests of the public and to keep out crime. Tribal gaming commissions generally have their own auditors who continually review the financial records, reporting directly to the gaming commission.

Commissioners are responsible for licensing employees, conducting background checks on employees or anyone doing business with the casino. The background checks on a business range from the CEO to the actual laborer. They ensure the tribe remains in compliance with federal laws and the state compact. Ms. Funk pointed out that their commission is similar to any other city or county commission in that they only make recommendations to the governing body.

When questioned on how they can keep out organized crime, she responded that California's gaming industry is highly regulated and watched. If a tribe is caught violating any provision of the compact or law, the consequences are very high, the revocation of the gaming license. The federal and state gambling control organizations can audit their records at any time; discrepancies would come at a high price.

The commissioner foresees an explosion in gambling within the next five years. There will be an increase in crime just as with any other successful business. There will be increased employee thefts, cheating and various types of theft from customers. She believes there will be an improvement in technology that will help prevent internal thefts. Surveillance equipment and the actual slot machines themselves will become more sophisticated. Computer technology will improve to such a point that money exchange will be easily tracked. These new innovative tracking systems will aid in avoiding money laundering schemes, employee theft or cheating of slots machines.

She believes the benefits of gambling far exceed the social costs. The money from gambling is primarily used to improve the lives of California Native Americans. Every Native American will benefit, not just those involved in gaming. Problem gamblers are no different than any other addiction problem. Native Americans recognize

there are people who cannot control their gambling. A portion of the gambling revenue is dedicated to education, therapy and organizations designed to help the problem gambler. The commissioner did not believe there was any evidence to support that gambling in a community caused social problems such as domestic violence. It is simply a matter of one's moral convictions.

The issue of tribal police becoming state certified peace officers was discussed. She felt that the Indian Tribal police had to meet the same requirements as any other police officer in training, background checks and accountability. This includes the tribes waiving their sovereignty on lawsuits relating to police abuses. If a tribal police officer abuses a non-Indian, the tribe should be as civilly liable as any other government entity in the state.

There was a discussion on the revenues generated by slot machines going directly to the state. She agreed there would be difficulty getting the funds back from the state to the areas directly impacted by gaming. The local city or county government would have increased costs associated with a gaming casino. She believed the best solution was developing a close relationship with the particular tribe and developing a fee for services. Contracting police services with the gaming tribe was also suggested.

She stated that law enforcement needed to realize that Native Americans are gaining tremendous respect with state politicians in Sacramento and are capable of influencing public policy. The law enforcement challenge is to develop favorable relationships with this group of people who have long felt ignored and betrayed.

The laws on the Indian gaming are complex and at times confusing. There are varied opinions about the influence gaming may have on law enforcement and very little

unbiased independent research. There is a need to examine the impacts upon law enforcement in the next five years. The next chapter will discuss how the future of this issue can be forecasted using a Nominal Group Technique.

CHAPTER II

FUTURES STUDY

Nominal Group Technique

A Nominal Group Technique (NGT) was convened to identify and measure possible trends and events. This brainstorming process uses the intuition, experience and judgment of the participants to forecast alternative futures. The information developed by the NGT was utilized to construct a model strategic plan designed to manipulate a desirable future.

Participants on this panel included representatives from law enforcement: a police chief currently working with a Native American tribe that has gaming, a state gaming regulator in charge of over seeing Indian gaming compliance with the state compact, a police lieutenant who works near Indian gaming casinos, an elected mayor from a medium sized city, a Native American tribal council member, whose tribe has had gaming casinos for several years, a director for Gamblers' Anonymous, and the state director out of the Attorney General's Office for Native American Affairs. Completing the panel were a hotel owner and a restaurant owner from a medium sized city that has an Indian Gaming Casino (Appendix A).

Approximately one month before the NGT panel met, the panelists were provided with the issue statement: what will be the impact of California Indian gaming casinos on a medium sized law enforcement agency by the year 2006? The panelists were also given information describing how the Nominal Group Technique worked.

The panel met on February 7, 2001 at the Palm Springs Police Department training center. The NGT process was reviewed along with the issue statement. Each

participant was asked to write down at least ten emerging trends related to the issue statement. Trends were defined as a series of incidents or events taking place, which seem to indicate a direction in which a particular issue may be heading. They were allowed fifteen minutes to complete the process. A round robin procedure was used allowing members to identify their trends. At this point the discussion was limited to ensuring the trend was not directional. The panelists identified forty trends. After an extensive discussion, the participants ranked the top nine using a voting procedure.

Trends

Panelists were asked to individually estimate a numeric value of the nine identified trends in relationship to past, present and future. A numeric value of 100 was assumed for the present. Members were tasked with rating the level of the trend five years ago (1996), five years into the future (2006) and ten years into the future (2011). In addition they estimated the impact of the trend to the issue statement, one having the least impact, while ten had the most.

The data gathered from each member was tabulated using the median of panelist's scores. The results are reflected on the Trend Summary Table (Table 1).

Table 1
Trend Summary

	-5 Years 1996	Today 2001	+5 Years 2006	+10 Years 2011	Concerns 1 – 10*
Trend 1 Service Demand	25	100	150	200	6
Trend 2 Economic patterns	50	100	150	175	8
Trend 3 Crime levels	50	100	160	175	6
Trend 4 Demands on infrastructure	65	100	125	250	8
Trend 5 Quality of life calls	55	100	200	350	8
Trend 6 Revenue	40	100	150	200	6
Trend 7 Tribal Police	70	100	200	200	4
Trend 8 Jurisdiction	15	100	125	150	3
Trend 9 Social decay	35	100	150	250	5

*1 indicates of **least** concern; 10 of **most** concern

The panel concluded that each of the nine trends had increased since 1996. All of the trends were forecasted as increasing, except for tribal police. Tribal police remained constant from year 2006 to year 2011. The quality of life issues trend was seen as having the most dramatic increase with a significant impact on law enforcement. The trend

regarding confusion over jurisdiction was viewed as having the least increase and impact. The following is a summary of the panel's discussion regarding the identified trends.

Trend 1: Level of service demands.

The panelists agreed that Indian gaming casinos create a demand effect on services, which impacts all levels of government. For example, the Cabazon Band of Mission Indians has operated some type of a gaming casino just outside the City of Indio, California, since 1985. A recent study by the tribe revealed that last year their casino had about 1.8 million visitors. The panelists felt that large groups of visitors increase demands for energy, sewers, landscape maintenance and hospitals. The burden falls upon local governments charged with overseeing these types of services.

Trend 2: Economic patterns on and off reservations.

One of the panelists pointed out that Indian gaming casinos are a successful industry, providing new jobs and attracting visitors to the area. A panelist representing Native Americans told the group about the Agua Caliente Band of Indians located in Palm Springs. The tribe is opening a casino with 140,000 square feet, including entertainment, 1,000 slot machines and will employ approximately 800 people. The new casino is located about 100 miles east of Los Angeles. The Agua Caliente Indians expect to have anywhere from 7,000 to 10,000 patrons in a twenty-four hour period within their casino. The panel believed that with the increase in population, there would be added economic benefit to the Agua Caliente Indians and nearby businesses.

The additional population would bring more tourist dollars to the local economy. In addition, more employees moving into the area would require housing and businesses to service their needs.

Another important economic pattern is the diversification of Indian gaming profits into other businesses. A panelist member stated a southern California Native American tribe had recently built an eco-industrial park. Within the facility is a bio-mass conversion plant that converts green waste into electricity. This plant produces enough electricity to provide power to 24,000 homes, 24 hours per day. Many tribes are investing gaming profits into commercial property.

This same panelist advised that most tribal governments provide complete health care coverage and education scholarships for tribal members from the proceeds of gaming. A tribe located in San Bernardino County, California, built homes for every tribal member from the proceeds of gaming.

Trend 3: Level of crime.

The panel believed that gambling brings an increase in crime. Several members of the group who were familiar with gambling intuitively concluded that such an activity would bring more robberies, theft related crimes and vice activities around gambling facilities. They also reasoned that most jobs at casinos are generally low skill and attract lower socio-economic families that tend to report more violence in their families.

Several members were quick to point out that there is no evidence that gaming casinos in and of themselves bring an increase in crime any more than any other successful business. It was several panelists' opinion that the issue of gambling becomes

more of a moral question than a crime problem. Casinos attract more people; more people cause an increase in crime.

Trend 4: Demands on infrastructure.

The entire panel concluded that gaming casinos bring a population demographic change to the area because of an increase of visitors. During the discussions several panelists pointed out that most gaming facilities are located in rural areas, outside of population centers. The roads are not built to handle the volume of people traveling to the casino. The roads will have to be widened, additional traffic control devices installed, including light standards and there will be additional maintenance requirements of the road infrastructures.

The members also surmised an increase in traffic creates congestion, pollution, and accidents. There will be an increased demand of services required by the local law enforcement agency to enforce traffic violations. Most rural medium sized law enforcement agencies do not have the resources to handle the increased volume of traffic. In addition, the community can expect increases in mass transportation such as busing and rail service from the rural areas to metropolitan areas.

Trend 5: Quality of life calls for service.

The panelist representing Native American concerns stated that most Native Americans typically lived below or near poverty levels in California before gaming. They were relying on federal government assistance in the form of welfare. In fact, this was the predominant theme used by Native Americans when campaigning for the

California gaming propositions (1A and 5). Those tribes with gaming casinos now provide for better health care, employment and education benefits for their members with a portion of the gaming revenue. Law enforcement calls for service tend to decrease as people move out of poverty; there may be reduction of alcohol or drug abuse and decrease in criminal activities.

Panelists with law enforcement backgrounds observed that as large numbers of people from urban areas visit rural tribal areas, tourists could be expected to venture out from the casino to Indian property. The quiet serene Indian reservations may change as outdoor enthusiasts begin to explore their lands. Noise levels and lighting from casinos will change the surrounding areas. Law enforcement can expect increased calls for service for lost and injured tourists, noise complaints, trespassing calls and environment contamination.

Trend 6: Revenue from Indian gaming.

There was considerable discussion by the panel regarding this trend. Several pointed out that Native Americans are exempt from state taxes and regulatory laws. Thus, gambling proceeds are not taxed by California. Local governments do not have a taxing mechanism to obtain revenue to cover the increased services from Indian gaming. The panelist from the state gaming commission advised the group about the recent compacts negotiated with Governor Davis and the tribal governments. The agreement provides for a system in which gambling revenues are to be paid to the state, not to the local government impacted by gambling. Revenues are decided on a sliding scale and based on the number of slot machines each tribe has in operation. Local government

must apply for grants to obtain money to offset the impacts of gaming. There is uncertainty on how the procedure will work or how much revenue the local governments will receive. Several panelists had concerns that there were no direct subventions to local communities impacted with Indian gaming and the state would use the money to cover state budget concerns.

The panelist representing the state gaming commission also explained that Public Law 280 mandates six states including California to provide law enforcement on tribal lands. There is no system in place to directly pay for this service. The mayoral panelist forecasted local governments would have financial strains on their budgets as they pay for the surrounding infrastructures increased by Indian gaming casinos.

Trend 7: Support for tribal police agencies.

The panel agreed with only one in opposition that within a few years Native Americans would have their own state certified law enforcement officers. There is currently political pressure to allow federal tribal police officers to become state certified with full peace officer power. The California Sheriff's Association is split in the middle over this concept, with law enforcement labor unions opposed. The group believed the political landscape was shaping up for tribes to have authority to form their own police agencies, provided they meet the state training standards and limit their sovereignty allowing for law suits related to police actions. There are currently six tribal police departments that could qualify.

Trend 8: Level of jurisdiction confusion over Indian lands and Indian gaming casinos.

It was evident during the panel discussion that there was considerable confusion between the panelists over laws and jurisdiction as it applies to Indian gaming. A lot of time was spent among the panelists explaining and clarifying the confusing system of laws surrounding the Native American reservations and tribal governments.

The panel predicted that this confusion in their discussion was reflective of the community at large. This confusion over complex laws would lead to resentment from the general public and local politicians, concluding that Native Americans are not paying their fair share.

Trend 9: Social decay from gaming.

The discussion group expressed concern that there would be an increase in gambling addiction with the expansion of legal gambling. Many people struggling with drug and alcohol would substitute or add gambling to their addictions. A vicious cycle was predicted; financial losses attributed to gambling, causing an increase alcohol and drug use, turmoil in families, leading to more dysfunctional escape strategies such as gambling. This would cause further economic hardships to families and give rise to domestic violence. These factors increase crime and a further drain on law enforcement resources.

Events

The NGT panel used the same process to identify possible events related to policing Indian gaming casinos. They identified twenty-eight possible events they believed could occur over the next ten years that would influence the trends and issue.

An event was defined as a single occurrence significantly impacting policing Indian gaming casinos in the future. The event may have occurred or could occur. Each event was discussed. The panel voted on nine events they believed were the most significant.

Panelists were asked to individually forecast the first year each event could happen. Then they were asked to assign a percentage (not to exceed 100) representing the probability the event would occur in five years and in ten years. Finally, the members estimated the impact the event would have on the issue statement, one having the least impact, and 10 the most. The impact was rated as positive (favorable) or negative (detrimental) to the issue statement. Data gathered from each member were tabulated using the median of the panelists' scores. The results are reflected on the Event Summary Table (Table 2).

Event Summary Table

	First year event could occur	Probability of event occurring by 2006	Probability of event occurring by 2011	Impact -10 to + 10
Event 1 Retail gambling	10	0	30	- 10
Event 2 Enforcement 24-hr	6	0	45	+ 5
Event 3 Number of slots	5	50	85	+ 5
Event 4 Tribal police	2	90	100	+ 9
Event 5 Double casino expansion	4	100	100	-8
Event 6 Card Rooms with Class III gaming	10	0	20	- 10
Event 7 Doubling criminal acts	5	50	100	- 10
Event 8 Retrocession PL 280	7	0	30	+ 10
Event 9 O.C. scandal	6	0	75	- / + 5

The following is a summary of the panelists' discussion regarding the events.

Event 1: Retail gambling activities are legalized at sites other than Indian casinos.

Retail or convenience gambling refers to stand-alone slot machines, video poker or other forms of electronic gaming located in convenience stores, truck stops, bars or similar sites.

Most of the panel concluded this would be unlikely to occur in the immediate future given the political influence Native Americans are developing. Only one panelist thought it would occur within 3 years, while several thought that if it did happen, it would be the next decade. Gambling is still perceived by many Californians as a vice. Expansion of gambling has only occurred when directly tied to a societal benefit such as charity, school or Indian self-reliance.

Several panelists had the opinion that the next generation would become more tolerant of gambling. The next generation and especially their children would come to view gaming as more of an acceptable recreational practice due to time and exposure to gambling.

Event 2: Native American tribe demands local law enforcement 24-hour presence at casino.

Although the group forecasted an increase in crime at casinos due to increased patrons, the panel believed that Native Americans would not want police actually inside their casinos. Currently, tribes rely on private security to police the facilities. Security simply removes the problem to avoid bad publicity, notifying law enforcement only in severe cases.

Native American tribal governments would fear non-tribal law enforcement officers would conduct undercover operations, arresting paying patrons. They view efficient and aggressive law enforcement as bad for business, when actually in the long run it would be beneficial.

Event 3: California lifts restrictions on number of slot machines per casino.

The California compact is up for re-negotiations in two years. The majority of the panel predicted this would happen in five years. The limits would be raised, not completely unrestricted. Native American politicking, increase in revenues from slot machines and gradual public acceptance of gaming are factors considered during the NGT discussion. The impact was viewed as positive since it provided more money that could be devoted to increased service demands placed on local governments.

Event 4: State of California gives 830.1 PC status (peace officer powers) to Indian tribal police.

Every panelist but one forecasted state sanctioned Indian tribal police within the next five years. The impact on local municipal or county medium sized law enforcement agencies was viewed as positive. There would be a reduction of calls for service if Native Americans hired their own police officers.

Police labor unions are opposed. There is concern that police officers will answer to a small tribal government made up of friends or family. Tribal government influence may cause police officers to look away from certain crimes, or exempt certain tribal members from the law. There are fewer safe guards against corruption with tribal governments compared to state and local. Despite these concerns, tribal police with full law enforcement powers will ease the burden to local municipal and county governments.

The panelist representing Native Americans believed that tribal governments generally do not trust the local, state or federal governments due to years of neglect.

Native Americans, recognizing a need for better-trained police officers, desire such a police department accountable only to them.

Event 5: Indian gaming casinos double in California.

There are currently 41 Indian casinos in the state, 15 under new construction, 20 under expansion. The NGT concluded that within five years, there would be double the existing casinos in operation. There are many non-recognized tribal entities in California seeking federal recognition. There is a new phenomenon in which cities are soliciting tribal governments to take over federal lands and put them into Native American trusts in order to build a gaming facility. This just recently occurred in the City of Oakland, in which Mayor Jerry Brown sent out letters to tribal governments soliciting a tribe to take over an abandoned military installation within the city limits of Oakland. This event was not viewed as a positive impact on law enforcement.

Event 6: Card rooms obtain class III (Las Vegas style gambling) gaming.

This was viewed as an unlikely event in the near future. The general public would not sanction the expansion of gaming outside Native Americans' land. Although there is a recent lawsuit filed on behalf of the card room industry claiming a violation of due process, the panelists expect it will be defeated in the courts.

As with retail gambling, which is slot machines and or Las Vegas style gaming located in convenience stores, bars or non-casino establishments, the panel believed the next generation and their children would become more tolerant of gambling outside of

Native American casinos. When this occurs, card rooms will likely expand their gambling to class III types of games.

Event 7: Doubling of criminal acts involving tribal casinos, which significantly increases review by District Attorney.

The consensus of the NGT was this trend-based event would happen; the disagreement was when. Half of the group believed the crime rate would double at gaming casinos within the next five years, while the other half believed sometime in six to ten years. Vice crime related to gambling would further increase crime, a factor not normally associated with a successful industry or business.

The panel was concerned that when crime doubled, there would be a lack of resources to adequately prosecute criminals, conduct crime prevention programs or deter crime created by casinos. Government agencies assigned this responsibility would be overwhelmed.

Event 8: Retrocession of Public Law 280 (authority allowing police on tribal lands) by local governments.

This event was also viewed as unlikely. Public Law 280 is a federal law giving six specific states the authority to enforce criminal laws on Native American lands. If this event were to happen, the federal government would have to accept the responsibility back. The discussion concluded that more likely than not, the federal government would not want the expense of providing law enforcement for Native Americans and their casinos.

Event 9: A serious scandal involving organized crime and Indian gaming.

The NGT process concluded that such an event was probable, but not until six to 10 years from now. Corruption would be a gradual process and may take time before it was discovered. The impact to the gaming industry was thought not to be devastating, but would serve as a wake up call to Native Americans. The event would initially have a negative impact on a law enforcement agency charged with investigating the corruption. These types of investigations require many hours of manpower. The final outcome was viewed as favorable as other tribal governments learn from the occurrence and put in safeguards.

Cross Impact Analysis

Since events and trends do not operate in a vacuum, but instead interact with one another, a cross impact analysis was completed. A cross impact analysis calculates numerically the probable impact an event may have on a trend. A cross impact analysis was completed using the nine trends and events identified by the members of the Nominal Group Technique. A scale from -5 to +5 was used, -5 having the most negative impact on this issue, +5 having the most positive. A value of 0 was used if the impact was neutral.

A separate panel was assembled to evaluate probable impacts and assign a particular numeric value. The panel was made up of two police chiefs from a medium sized police department, a member of a Native American tribe, two police officers who work for a medium sized police department and three business people. All panelists live or work near a community that has an Indian gaming casino.

Each panelist was asked to evaluate the impact with a numerical value using the following method; if event 1 happens, how will it affect trend 1, etc. At the completion of the exercise, the medium number was identified and placed on the Cross Impact Analysis Table (Table 3).

Table 3
Cross Impact Analysis

Cross Impact Analysis	**Trend 1** Service demand	**Trend 2** Economic patterns	**Trend 3** Crime levels	**Trend 4** Infrastructure demand	**Trend 5** Quality of life	**Trend 6** Revenue	**Trend 7** Tribal Police	**Trend 8** Jurisdiction	**Trend 9** Social decay
Event 1 Retail gambling	-3	-3	-4	-1	-2	+4	-1	0	-3
Event 2 Enforcement 24-hr	-4	-3	+2	0	+2	0	-2	+3	0
Event 3 Number of slots	-3	-4	-1	-2	-1	+3	0	0	-2
Event 4 Tribal police	+3	+1	+2	+2	+3	-2	0	+2	+1
Event 5 Double casino expansion	-4	-2	-2	-2	-3	+4	+2	0	-2
Event 6 Card Rooms w/ Class III gaming	-2	-3	-3	0	-1	+2	0	0	-2
Event 7 Doubling criminal acts	-4	-3	-5	-2	-3	-2	-2	0	-3
Event 8 Retrocession PL 280	+2	0	-2	0	-3	-3	-3	-3	-3
Event 9 O.C. scandal	-2	0	-2	0	-2	-2	+4/-4	0	-2

The NGT and Cross Impact Analysis process is useful in developing a strategic plan. For example, if an event would have a positive impact on a trend, then it would be beneficial to attempt to cause that particular event. If the process identified a negative

impact, then the reverse would be true. The strategic plan would implement means to accomplish a favorable future.

The Cross Impact Analysis table shows that if event 1, retail gambling, was to occur, it would negatively impact every trend except #6, revenue levels and there would be no impact on trend #8, confusion over jurisdiction. Therefore, when developing a strategic plan for a positive future as it relates to the policing Indian gaming casinos, efforts and plans should be made to prevent or mitigate the event from actually occurring.

In effort to develop a strategic plan, further examination of the cross impact table is required. Event 4, peace officer status to tribal police, has a positive impact on every trend except tend #6, revenue levels from Indian gaming. Those participating in the cross impact analysis reasoned that state certified police officers working on tribal lands, handling calls for service, would relieve workloads on existing law enforcement agencies. The additional officers hired by Native Americans would reduce crime in and around casinos. The participants also believed that Tribal police departments would develop crime prevention programs, which would probably impact the social decay trend in a positive way. Medium sized existing municipal and county law enforcement agencies could expect to lose the revenue source from gambling. Native Americans would insist that revenue be used for their own police department.

An interesting comparison was event 8, retrocession of public law 280. If the federal government assumed responsibility for policing gaming facilities, the level of service demands and quality of life calls for service by the municipal and county police agencies would be positively impacted since they would no longer have to respond. The majority on the cross impact analysis panel had the opinion that without state certified

police officers, the impact would be negative. They believed the federal government historically has not met the needs of Native Americans. Consequently, the level of crime and social decay would increase. There would also be a negative impact on revenue sources for the local state police agency since in all likelihood the federal government would demand the money from gaming to cover costs. In addition, state certified tribal police officers would not be necessary with federal government intervention, negatively impacting this trend as well.

If event 9, Organized Crime Scandal, occurred, the conclusion was a negative impact to most of the trends. The panel's belief was there would be no measurable effect to economic patterns or the demands on infrastructures if this event happened. Organized crime has existed in gambling in the past without interfering with the economy. The number of state certified tribal police officers had a negative and positive impact. The impact would depend upon if tribal state certified officers were able to avoid the corruption scandal. If a particular tribal police department becomes part of or is actually involved with organized crime, then the trend would obviously be negatively impacted. However, if they maintain their integrity, this would reflect favorably throughout the law enforcement community and have a positive impact.

Alternative Scenarios

Three scenarios were developed forecasting alternative futures in the year 2006. These scenarios are based upon the trends and events identified during the NGT process. The first scenario depicts an optimistic future that should be encouraged. The second is a

pessimistic view that should be avoided. The third is a normative view that could happen under current circumstances without any interventions.

Scenario #1 – Optimistic Future

Sergeant Johnston was on his way to meet with his fellow sergeant for a coffee break. His friend was working the county, while he supervised the contract officers for the Indian casino. As he drove he began to reminisce. It was hard to imagine that just five years ago the San Palm Mission Band of Indians and the local police department were at odds on how to police their new casino. He was assigned by the Sheriff to liaison with the tribe and work on ways to improve the relationship. It was not easy since the tribe did not trust anyone associated with a government agency. Sergeant Johnston thought to himself, "I can't blame them, look at how the government mis-treated them in the past."

The first thing he did was put community-policing principles into play. He asked the Indians what they expected from the Sheriff's Office and how could they improve their police services. He used surveys and did a lot of meetings. The tribal members were astonished that deputies would take the time to ask their opinions. The tribal chairman Richard Lyons grew to trust him and even allowed him to sit in on tribal council meetings, this was unheard of.

One of the best things that California law enforcement did was form the Law Enforcement Gaming Coalition. It was his Sheriff who came up with the idea of forming the coalition so other law enforcement agencies could network, share ideas, training and most importantly politic.

He remembered the first time he and his sub-committee flew into Sacramento and met the governor. The governor was initially not open to most of their ideas, but eventually agreed to work at limiting the growth of gambling in the state. The governor also directed the Department of Justice to conduct independent research into the impacts of gambling on a community.

The research concluded that gambling did increase crime, vice problems and increased bankruptcies. This eventually convinced the governor and the federal government to take a hard line with Native Americans limiting their gaming during compact talks.

One of the biggest surprises was the lack of corruption infiltrating the Indian gaming industry. The Law Enforcement Coalition had recommended that the local tribes' gaming commissions become more independent from their tribe and take on a regulatory function rather than an advisory. The sergeant remarked to himself, "Wow, what a good idea that was, I bet that kept a lot of crooks from getting into the gaming."

As he pulled up to the coffee shop he thought, "Policing Indian casinos is not a bad job, and we did some things early on that makes the job easier now."

Scenario #2 – Pessimistic Future

Antonio Luginii was amazed how easy it was to set up the "family business" in the California casinos. The money was great and they even controlled 18 different police departments. All he had to do was call upon any of his police chiefs and they would access the state law enforcment computer systems and supply him with recent

intelligence information gathered against his crime partners. The computer system was simply amazing; he could even alter crime reports and arrest histories.

He thought back to the year 2000. He bribed the so-called CEO of the Mission Band of Indians. Together they formed a plan to skim a few hundred thousand dollars a month from the casino. The Indian council was so trusting, never questioning the books. No problem from the local police. They never had the time or expertise to bust him or his "family". It wasn't until a few years ago that the cops even figured out who he was. Now five years later, they can't touch him. The tribe loves him. A few Indians on the council dared to question him, but they turned up missing. The Tribal Police Chief was told to back off on the investigation and not cooperate with the State A.G.'s office. They don't have the time or manpower to spend any length of time trying to undercover his operation.

Anthony thought to himself, "They just don't have the time to try and trace the money."

Oh, there had been a few snitches. But they disappeared like the others. The state cops could not develop any leads; after all his police department knew how to get rid of the evidence. The locals suspect the Tribal Police are not up and up, but can't prove it. It's great to have all this money, buys the best lawyers in the state."

Scenario #3 – Normative Future

"There's one," whispered Detective Alvin. He directed his new vice cop towards a nearby slot machine.

"How do you know?" the rookie asked.

"Ah you can tell by the way they dress and look around. She's really paying attention to the machines; she is watching the casino for the big winner. When she finds one, then she will slink over to the guy and start to flirt with him. If he has had a few drinks, likes the attention, then she drops the proposition on him. Five years ago I remember coming in this place for the Millennium party, man there were hookers everywhere!"

The rookie inquired, "I bet you have seen a lot of changes in this place."

"Sure, when I started working vice, the Indians could only have two casinos per tribe and they were limited to 2,000 machines. Now look at the place. Ever since California legalized gambling, this small casino has become the Mega-Gaming center in the State, only Vegas has larger."

Suddenly Detective Alvin stopped and said, "Look, there's a cheater! See, he has the digital pocket transmitter that disrupts the slot machine. The special microwave causes the machine to spit out money every time. I wonder how that guy got past the radiodynamtic detector device? Man, this place sure is a drain on man-power, we could use another 10 detectives."

"Patrol is no better," remarked the new detective. "I went from call to call handling domestic violence calls, robberies and purse snatches. I hear that before the casino, this was a sleepy little town."

"Yeah, very little crime or problems" responded the senior officer. " I hear the tribe is not happy with our service and are going to get their own police department. That's fine with me; I don't like this place anyway. Look, he just ripped off the slot machine. Let's arrest him, book him and then go home for the night."

"That's fine with me, I feel over worked and very tired. I never expected it to be this busy in the casinos," gasped the rookie detective.

This chapter forecasted several trends and events that may potentially impact medium sized law enforcement agencies that have an Indian gaming casino within or near their jurisdiction. There were also three possible fictitious scenarios developed based upon these trends and events.

The next chapter will discuss a strategic plan that could lead to successfully managing the growth of Indian gaming casinos, reducing Indian casino related crime and developing adequate financial resources for law enforcement agencies impacted by the gambling.

CHAPTER III

STRATEGIC PLAN

Introduction

Law enforcement officials must scan trends and events and identify those that may impact the future of the profession and develop strategic plans. The strategic plan includes forecasting futures and implementing strategies in the present day that may cause favorable events to happen or mitigating those that are not.

The purpose of this chapter is to develop such a plan in response to information gathered from members participating in the Nominal Group Technique, the literature review and interviews with experts in the field of California gaming. An optimistic future was formulated as it relates to the impact of gaming on a medium sized law enforcement agency. This optimistic future involves controlling and managing the growth of gaming in California, reducing gambling related crimes and developing sufficient revenue sources for law enforcement to police gaming casinos.

The WOTS/UP analysis will be used to assess the impact of external and internal influences on managing change towards the optimistic future. The analysis will include the identification of obstacles or weaknesses preventing an optimistic future, identifying the opportunities allowing such a future, and pointing out the threats and strengths as they relate to the issue. Stakeholders and snaildarters will also be identified and examined.

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Obstacles

The most significant obstacle impacting law enforcement's attempts to control and manage Indian gaming casinos is Native American sovereignty and the current

relationship between Indians and Californian governments. Native American tribal governments are outside the direct control of state and local governments. The tribal governments are in and of themselves an independent governing entity answering only to their tribal members and the federal government.

The history of Native Americans and their relationship with the California governments has been filled with deceptions and inconsistent flawed federal policies. According to a newspaper researcher for the Sacramento Bee, ever since California became U.S. soil in 1848, the United States has shortchanged California's Indians. They were stripped of their lands and funneled into California cities. In the 1950s, the federal government enacted the Relocation and Termination program designed to end the reservation system. This federal policy was an attempt to persuade Indians to abandon their beliefs and traditions and assimilate into American culture and cities. This policy did not end until 1981.[41] Clearly this history creates an atmosphere of mistrust.

Public law 280, which was designed to increase law enforcement on Indian country by giving criminal authority and law enforcement responsibility to California, did not enhance the strained relationship. Since the law simply transferred authority from the federal government to the states without the needed resources, most California law enforcement agencies did not have the manpower to sufficiently police the reservations. Native Americans perceived their concerns were ignored.

The lack of sufficient monetary resources is another obstacle to the effective policing of Indian gaming casinos. Currently the revenue stream from Indian gaming casinos goes directly to the state. The mechanism for local law enforcement to obtain these funds is unclear and uncertain. Law enforcement is tasked with policing Indian

casinos without the ability to hire additional personnel and equipment and may not petition the state for needed funds until February of 2002.

The state certification and granting of peace officer power to tribal police departments has the potential of becoming an obstacle to the management of gaming and control of crime. Tribal police would certainly reduce the calls for service for the local law enforcement agencies, however there are fewer safeguards against corruption within tribal police departments. Tribal police officers answer to small tribal governments. The tribal councils usually represent small membership and this membership is made up of close family and friends. Tribal governments could influence their police officers to look away from certain crimes or exempt tribal members from the law.

The unrestricted state legalization of non-Indian gaming may be an obstacle to the control and management of gambling and crime. There is no definitive unbiased research on the social and economic consequences of gambling and how that may impact a California community. Communities suffering economic hardships could be enticed to open Class III, or Las Vegas style gambling for the infusion of money into the local failing economy, hoping the social ramifications will be minimal.

Opportunities

The state-tribal compacts negotiated with the California tribes and Governor Gray Davis specified that non-gaming tribes will receive 1.1 million dollars per year from Indian gaming.[42] This money creates an opportunity for non-gaming Indians to improve their health care, obtain an education, supplement incomes, allowing Native Americans to become more self-reliant.

Another opportunity is found within the state-tribal compacts. Tribes operating casinos agreed to pay a percentage of the net winnings from their slot machines into a Special Distribution Fund. Some of this money is to be used for programs designed to address gambling addictions.[43] Programs such as Gamblers Anonymous can be expanded to help the problem gambler.

Law enforcement agencies have an opportunity of increasing manpower, purchasing vital equipment and obtaining necessary training. From the perspective that Indian casinos like any other successful business will attract more people, there will be a need for more law enforcement to combat the increase in crime. Although the revenue source directly related to Indian gaming is in question, collateral businesses will likely grow in support of the Indian gaming casino, supplying additional tax revenues for the community. In addition, there is a possibility of local law enforcement agencies entering into contractual agreements with the Native Americans to police the casinos.

Threats

Senate Bill 911 sponsored by Senator Alarcon would authorize state certified tribal peace officers. The bill would require the Commission on Peace Officers Standards and Training (POST) to certify that a tribal law enforcement agency has met the minimum POST training standards or the equivalent. This certification would have to be completed within ninety days. The provision in this measure also requires a tribal law enforcement officer to carry liability insurance of not less than $1 million dollars and the tribes would not waive sovereignty allowing them to be sued. This limits the amount of

damages that could be claimed against tribal police compared to a current California peace officer.[44]

This proposed law places a tremendous drain on POST resources. There is no funding contained within the measure, thus money would have to be diverted from existing police training programs. Indian sovereignty remains an issue. This law suggests that somehow an injury or death by a tribal officer on tribal lands is worth less than if it occurred somewhere else. This particular Senate bill is clearly a threat to an optimistic future as it relates to gaming.

California card rooms and bingo halls are a threat to either litigate the current laws to their favor, or pass legislation allowing their facilities Class III gaming. On February 28, 2001 several bay area card rooms and a Sacramento bingo hall operator filed suit in federal court to overturn compacts between the state and Indian tribes that allowed Las Vegas style gaming. The lawsuit filed in the U.S. District Court says that the compacts signed by tribes and ratified by voters in Proposition 1A last year violated the federal law and Constitution by giving tribes a monopoly right to run Class III gambling operations. Card room and bingo hall operators allege that Indian gaming casinos are unfairly devastating their businesses.[45] This lawsuit is a faint signal that card room and bingo hall owners might be collaborating towards the legalized statewide Class III gambling.

Strengths

Historically the majority of gambling growth has been directly connected to a social benefit. For example, the approval of California's state lottery was connected to

proceeds benefiting children's education, the approval of Indian gaming casinos, related to Native Americans obtaining self-reliance and moving out of poverty. There are no identifiable social benefits to allow the proliferation of non-Indian gaming throughout California. In addition, it appears that the majority of Californians have some moral issues with the unchecked spread of gambling.

A clear strength on this issue is that California peace officers are some of the best-trained and ethical officers in the nation. Their training and commitment to duty will go a long way in combating gaming related crimes and corruption.

Stakeholders

Stakeholders are individuals or groups who are impacted by the particular issue. These people are instrumental in the success or failure of a strategic plan. Listed below are individuals or groups who should be part of the plan. Included are anticipated needs and expectations.

- Federal Government – The federal government is a trustee of Indian property, it is not a guardian of individual Indians. The Bureau of Indian Affairs, organizationally under the Department of Interior is responsible for administration of federal programs and promoting Indian self-determination.
- Elected federal officials determine policy and laws relating to Native Americans. This level of government is also responsible for the legislation of gambling laws affecting Indian casinos.

- Governor of California - The governor is a key negotiator for the tribal-state compacts and veto power of potential state laws. He had political and financial support from Native Americans as well as police labor groups.
- Elected State Officials – State legislators can introduce and support legislation related to gambling and certification of tribal police officers. As Native Americans continue to gather wealth from gaming casinos, their political influence upon state officials can be expected to grow.
- Elected City and County Officials – These officials have the ability to influence state officials and promote legislation. As local officials begin to feel the impacts of gaming, they will pressure state officials for favorable laws.
- State Gaming Commission – Five members are appointed by the Governor and have oversight of all Indian gaming in the state. The commission enacts policy and regulates state gaming policies.
- Citizens of the State of California – People have limited influence on the gambling issue exercising control at the state level. Their moral convictions and beliefs impact elected officials, but have no bearing on Indian gaming.
- Native Americans – The majority of Native Americans do not have gaming. Those Native Americans involved in gaming have direct influence on their tribal councils and their casinos.
- Tribal Governments - Tribal governments are the policy makers for tribal matters. Their answer only to their tribal members and must conform to federal guidelines. Tribal council members manage the finances generated by Indian casinos.

- Tribal Gaming Commissions_ - Commissioners are appointed by Tribal Councils. They have the responsibility to ensure the games are free from cheating and corruption.
- National Indian Gaming Commission -- An independent federal regulatory agency comprised of three commissioners. The chair is appointed by the President and the two associate chairs by the Secretary of the Interior. The Commission is responsible for ensuring compliance with the Indian gaming regulatory act.
- Self Help Groups (Gamblers Anonymous) – Organizations formed to help problems gamblers and gambling addictions. Leaders of these organizations may be able to influence public policy on gambling. They have little impact on tribal matters, however tribal governments acknowledge through the compacts the need to address gambling addictions by designating money from slot machine proceeds to organizations treating gambling addictions.
- Indian Tribal Police – Tribal officers are lobbying state politicians for peace officer powers. There is opposition from many California peace officers.
- California Peace Officers – The professionals who are directly impacted by the issues of gambling and responsible for policing Indian gaming casinos. They have the ability through labor organizations to influence public policy on gambling, but have minimal influence on tribal policy.

Snaildarters

Snaildarters are individuals or groups that are not expected to be a problem, but could become an unexpected obstacle to the strategic plan. Listed below are potential snaildarters.

- Card Room and Bingo Hall Owners – Private business owners impacted by the expansion of Las Vegas style gaming casinos. State law prevents these businesses from having Class III gaming. Owners view this issue has unfair and claim illegal monopoly.
- Environmentalists – These groups may be concerned with Indian casinos disturbing the environment in the rural areas. They are highly organized with political influence. Environmentalists may have objections to pollution, congestion and interference with wildlife on Indian reservations.

Strategy Development

The first strategy suggested is the development of a mission statement that includes a vision and values as it relates to the control and management of Indian gaming casinos, crime and revenue sources. The mission statement is a tool for the law enforcement agency providing guidance, what the agency would like to see in five years and the principles that guide attitudes, decisions and actions toward accomplishing the goals.

Law enforcement agencies need to conduct an evaluation of their existing city or county ordinances relating to non-Indian gambling. The assessment would include a review of zoning requirements for card rooms and bingo halls, laws either prohibiting or

allowing non-Indian gambling, and requirements for establishing such a business within that agency's jurisdiction.

Education is another key strategy. Law enforcement agencies need not only educate their employees on the complex gaming laws and Indian sovereignty, but the community and especially the leaders must have a basic understanding. There also needs to be a dialogue established with the identified stakeholders increasing the knowledge among them about different concerns.

A cost recovery system must be implemented allowing cities and counties impacted by Indian gaming to pay for the increase in services they are likely to provide. This might involve a direct contract with tribes, a system of directing the revenue from the state back to the areas impacted, or a combination of both.

Clearly corruption and infiltration of organized crime is of primary concern. The strategic plan must include formulating and supporting procedures that guard against corruption. A potential weakness in the system is the tribal gaming commissions. Each tribal gaming commission creates their own procedures. These procedures or policies vary from tribe to tribe. A consistent standard throughout the state should be implemented. The commissions also do not have a regulatory function and are not independent from the tribal councils. Tribal gaming commissions need to have a regulatory role and should not be subject to influence by tribal councils.

Additional research should be conducted on the impacts of Indian gaming casinos on a community's economy and social consequences. Since this project is limited in time and scope, the future research must be from independent sources not associated with the gaming industry or anti-gambling groups.

The strategy must include the development of a trusting relationship between law enforcement and Native Americans. Law enforcement must look upon the tribe as a political entity. Native American's needs and perceptions of law enforcement must be identified. The strategy must include methods to improve services and relationships between the law enforcement community and Native Americans.

Finally an evaluation mechanism needs to be established. The overall strategy must have a system in which law enforcement can determine if the objectives towards the mission are being met.

In the following chapter, a transition management plan will be developed, dealing with future impacts of Indian gaming casinos on a medium sized law enforcement agency. There will be suggestions on how to actually implement the strategic plan and evaluate the success.

Chapter IV

TRANSITION MANAGEMENT

Introduction

The transition management plan is necessary to provide suggestions on how to actually implement the strategic plan. The strategic plan addresses likely future impacts of Indian gaming casinos on a medium sized law enforcement agency in the next five years. The plan has identified potential stakeholders and a few potential snaildarters. In addition, there were broad based strategies proposed. This chapter is the process of actually equipping law enforcement with ideas of how to activate the strategic plan.

Management Structure

The following is a list of important critical stakeholders whose support is necessary to the implementation of the strategic plan.

- Native Americans – This group of people have significant influence on the growth of Indian gaming casinos. Presently, they view gaming as a resource to gain education, financial wealth, political influence, family stability and increased health care. Native Americans must be convinced to trust their local law enforcement agencies and agree to work towards providing monetary resources to the local government to offset costs incurred by casinos.
- California Peace Officers – Law enforcement officers must become educated on Indian sovereignty and the complex gaming laws. It is recommended that officers learn about the cultures and traditions of Native Americans they police. Law enforcement leaders must open a dialogue with tribal council members by

establishing regular meetings and conducting presentations before the tribal councils explaining how gaming has impacted the local community and what can be expected in the future. Law enforcement should invite them to attend police citizens' academies and or ride-alongs. Community policing tactics should be used with Native American communities. Surveys could be used to identify their concerns and perceptions of how local law enforcement has been doing. A similar survey could be conducted later as a evaluation tool.

- Federal Government – This is the only branch of government that has direct influence over Native Americans. Law enforcement must lobby their federal representatives to put in safeguards against corruption within the Indian gaming industry with stricter regulations upon tribal gaming commissions, and taxing specifically the gaming revenues, directing the money back to communities impacted by gaming.
- Governor of California - The elected state official who negotiates state-tribal compacts with Native Americans. Law enforcement must lobby the governor to limit the expansion of Indian gaming during future negotiations. In addition, the governor must be convinced to place a revenue mechanism that automatically directs money from the Special Distribution Fund to cities or counties with Indian gaming casinos.
- Elected State Officials – Legislators responsible for state gambling laws must be lobbied by law enforcement to prevent card rooms, bingo parlors or similar establishments from obtaining legal Class III gaming. They must also be convinced to pressure the governor for revenue mechanisms that will direct

money from the Special Distribution Fund to cities or counties with Indian gaming casinos. A possible alternative is to lobby state representatives to legislate the revenue mechanism.

- Native American Tribal Governments – Law enforcement agencies with Indian gaming casinos must establish dialogue and develop a relationship built on trust. Law enforcement must look at tribal governments in the same way as a city council or county board of directors. The tribal government must be lobbied to ensure that the state-tribal compact has a revenue mechanism that supports the local county or city impacted by their casinos.

Transition Techniques

The specifics of the Transition Management Plan are as follows:

1. Comprehensive unbiased research – Law enforcement leaders must petition the Governor of California and the Attorney General to provide grant money for a university to research the social and economic impacts of Indian gaming on California communities, and must cover a time period of at least three years. The researchers must be independent of special interest groups.
2. Education of the community and law enforcement – Indian sovereignty and laws related to Indian gaming must become part of the training program for those law enforcement agencies responsible for policing casinos. Law enforcement training officers must develop the training curriculum and have it certified by the Commission on Peace Officers' Standards and Training. Agencies with an Indian

casino within their jurisdiction could include Indian sovereignty and related laws in their Citizens' Academies.

3. Recovery cost systems – Local communities directly impacted by Indian gaming casinos are best to determine how to spend the money to offset costs incurred by the gambling. Rather than each casino sending the percentage of revenue from the slot machines to a pool or fund in Sacramento (which is currently required under the state-tribal compact), the money should remain in that particular community. The Special Distribution Fund can be used to support the State Gaming Commission, which would require only a small percentage of the revenue. This procedure would not interfere with the gaming tribe's obligation to pay into the Revenue Sharing Trust Fund for Native Americans without gambling.

   This different approach to cost recovery will require law enforcement to use their labor organizations such as Peace Officers Research Association of California (P.O.R.A.C.), California Chiefs of Police and Sheriffs (C.O.P.S) to lobby elected state officials to agree with this revenue plan. Local politicians must be educated and then convinced to use their influence on state officials for a fair revenue mechanism.

4. Trust between Native Americans and California law enforcement – Community policing philosophy and principles must be used by law enforcement agencies. Instead of law enforcement determining the needs of the Native American community, surveys and questionnaires should be used to understand their perceptions of problems. Law enforcement officers could set up community meeting with Native Americans, identify their problems and work towards solutions.

Cultural awareness training and learning of traditions specific to Native Americans must be initiated for those agencies that provide law enforcement upon Indian country. It is suggested that the curriculum for these training programs be POST certified.

Law enforcement leadership must become just as acquainted with Tribal council members as they are with their city councils or county board of supervisors. Whenever permitted, law enforcement officials should attend Tribal council meetings.

5. Prevention of corruption - One of the purposes for a tribal gaming commission is to prevent crime and corruption. There are no standards for these commissions nor do they operate independent from the tribal council that appoints them.

   Law enforcement must use its influence on federal lawmakers to establish standards for tribal gaming commissions. These commissions should have at least three members and not more than five. The majority of the commissioners should be made up of non-tribal members. The commissioners could be all Native American, not just from that particular gaming tribe.

   The members must be full time and paid a standard wage based on the prevailing wage. The tribal commission would be paid from a shared fund that each gaming tribe would be required to contribute into.

   The terms for a commissioner should be least four years. Once the tribal council appoints the commissioner, he or she remains unless voted out by the other commissioners based on rule violations. The tribal gaming commission regulates the gaming on behalf of the tribe and cannot be overturned by the tribal government.

6. Crime Reduction – Law enforcement agencies must enter into contractual agreements to police Indian casinos and the surrounding area. Developing a working relationship with casino security, gaming regulators, and auditors is a must. The contract should be treated the same as if entering into an agreement with a smaller neighboring city.
7. Liaison Officer - There must be a liaison officer or preferably a supervisor who works with the tribal council. Officers working the contract should be a constant to ensure officers are familiar with crime and problems unique to casinos. This also develops a partnership and trust relationship when Native Americans work with the same officer day in and day out.

   The law enforcement community must continue to lobby the state legislature and key state officials recommending against certifying tribal police with state peace officer powers.
8. Coalition Law Enforcement Organization – There are currently twenty-one different law enforcement organizations in California impacted in some way by Indian gaming casinos. There is a lack of exchange of information, training and mutual purpose among these agencies. A statewide law enforcement association consisting of those agencies dealing with gambling should be formed. This valuable network would become an instrument in lobbying politicians, developing a statewide mission statement and implementing the concepts of the strategic plan outlined in this project

9. Evaluation procedures – With any plan there needs to by a system to evaluate the success or failures. Law enforcement agencies that police Indian casinos must first identify the overall mission and objectives.

   Using community policing principles, a committee, made up of department members, community members and Native Americans, should be formed and challenged to develop the vision as it relates to Indian gaming casinos and how to accomplish the task. This vision is recommended in the form of a five-year plan, with yearly evaluations of progress. Since this mission statement is for the law enforcement agency, final approval is left with the agency's staff.

A strategic and transition management plan is the first step in a five-year process of change towards an optimistic future for those medium sized law enforcement agencies dealing with the impacts of Indian gaming casinos. Change does not come easily and is often resisted because of its uncertainty. Native Americans may resist if they perceive the changes as interfering or limiting their sovereignty. There may be others with their own agendas who will resist change because it is contrary to their position. The process of change and its implications will be discussed in the next chapter.

CHAPTER V

CONCLUSIONS

Project Summary

Managing the growth of Indian gaming casinos, controlling gambling-related crime and development of revenue to provide effective policing has significant future impacts on medium sized law enforcement agencies. This project has forecasted several alternative futures and provided a strategic and transitional management plan identifying several concepts that could be implemented which may impact the future favorably for law enforcement.

For example, education and training of law enforcement on gaming laws and Indian sovereignty is important, as is the development of new unbiased research on gaming impacts. A fair and equitable cost recovery system has been discussed and outlined in the plan. There is a concern that corruption could infiltrate the Indian gaming industry; however, developing a stricter local tribal gaming commission that serves more of a regulatory function could mitigate that. It is recommended that California avoid granting certified peace officer status to tribal police. Finally, the success of many of these ideas rests on activating community-policing principles establishing a trusting relationship between law enforcement and Native Americans.

This chapter will also discuss implications on key leaders, budgetary considerations, recommendations, evaluation process and conclusions.

Leadership Implications

Law enforcement leaders must recognize that although every law enforcement agency does not have an Indian gaming casino, the ramifications of uncontrolled gambling growth and corruption within the gaming industry will affect the entire state. Leaders must be willing to convince federal and state elected officials that unchecked Indian gaming and or state approved Class III gambling must be limited until the social and economic consequences are fully understood.

The development of unbiased research into gambling will come about with a unified law enforcement leadership demanding the information. Key leaders within state government such as the Governor and Attorney General can be lobbied through law enforcement labor groups and political organizations explaining the importance of such data. Law enforcement leaders can use the same organizations to approach state leaders on the issue of implementing a fair and effective revenue stream to counties and cities responsible for policing Indian gaming.

The ability to influence public policy on revenues and Indian gaming requires local elected officials as well. Leaders within law enforcement must educate their elected politicians while stressing the importance of the concepts outlined in the strategic and transition management plan.

The tribal governments cannot be ignored. A trusting relationship between the police leadership and tribal leaders must be established and cultivated. Such a relationship will be beneficial during the state-tribal compact negotiations. If Native Americans clearly understand the concerns of law enforcement and the purpose behind

the strategic initiatives, then they are less likely to perceive a threat against their sovereignty.

Clearly law enforcement managers must take the lead in fulfilling the objectives of the strategic and transition management plan. However, the informal leaders within any law enforcement organization and those in leadership of labor unions should be called upon. Once the informal and labor leaders are persuaded to act, they can influence the local elected officials and bring about action through their community contacts.

The initiation of change does not operate in a vacuum. The plan will only succeed with unified, steadfast leadership within the law enforcement community.

Evaluation Activities

Once the strategic and transition management plan is implemented, there needs to be a process to measure the success or failure. It is recommended that a yearly evaluation occur measuring crime rates. In addition, surveys of community perceptions of the impact of gaming should be distributed by law enforcement as part of their community-policing strategy. The surveys should also include the Native American communities as well.

An annual cost analysis of law enforcement agencies' budgets should occur to determine how Indian casinos affect cities' or counties' abilities to fund services related to gambling. For example, the costs of manpower commitments to servicing the gaming casinos, overtime related to gaming, and administrative costs to process paperwork and reports generated by a casino. This information becomes important when trying to convince critical stakeholders to support local cost recovery systems.

Budgetary Implications

According to Harlan Goodson with the Department of Justice's Division of Gambling Control, the average slot machine generates approximately $10,000 per year and based on the formula outlined in the tribal-state compacts, each tribe will pay ten percent of that money to the state. The California Attorney General, Bill Lockyer in a report earlier this year stated there were about 25,196 slot machines legally operating within Indian gaming casinos.[45] The money generated by Indian gaming can be expected to exceed 25 million dollars.

The lack of a clear mechanism to fund law enforcement agencies that are impacted by Indian gaming creates tremendous uncertainty and an inability to efficiently plan for the future. Law enforcement agencies have no guarantee they will receive any of this money or what their share will be.

The pessimistic view would have the state spending this money to offset budget deficits or to fund programs of special interest to state politicians in Sacramento, the state's capitol. The necessary revenue to offset the increased service demands by Indian gaming would not find its way to the cities and counties. The strategic and transition management plan contains a component that addresses this particular issue that mitigates the pessimistic position.

Recommendations for the Future

There are currently twenty-one different law enforcement jurisdictions within California that have the obligation of suppressing crime in and around Indian gaming

casinos. It is recommended that an association or coalition be formed consisting of law enforcement agencies that have Indian gaming in their jurisdiction. The association could facilitate the exchange of information, training, intelligence updates and become a primary organization responsible for implementing the strategic and transition management plan.

This law enforcement association as well as other law enforcement groups should petition the Governor of California requesting that he limit the expansion of Indian gaming and resist state sanctioned Class III gaming until the completion of an independent research study on gambling impacts. Law enforcement must insist that the Governor stand firm on this point during the next state-tribal compact negotiations which are expected to begin within a couple of years. The Governor must be convinced that the compact should have a funding mechanism directing the gaming revenue back to cities and counties with Indian casinos in order to offset the increase costs of services. In addition, standards for the Tribal Gaming Commission must be included in the agreement. The standards would mandate the number of commissioners, who can serve, and a role change to more of a regulatory agency acting independent of the tribe they serve.

The role of Native Americans is just as important as the Governor's since they are both an integral part of the compact. Native Americans have a vested interest in keeping the revenue generated by slot machines within their areas. They may be more agreeable to implementing a revenue stream back to the cities and counties, rather than to the state. Gaming tribes must also be convinced to restrain the growth of gambling until the economic and social effects are fully understood.

The federal government needs to be kept appraised of California law enforcement's concerns about Indian gaming issues. Federal lawmakers, the Secretary of the Interior, the National Indian Gaming Commission and officials with Bureau of Indian Affairs should receive regular briefs from law enforcement leaders and the law enforcement gaming association. These federal agencies must be informed on the issues, the future concerns and suggested remedies. If state elected officials and or gaming tribes cannot be convinced or simply ignore law enforcement's issues, the federal government becomes the next attempt at managing gambling and controlling gambling related crime.

The federal government is the only branch of government that could impose a gambling tax upon gaming tribes. If the state is unable to increase the revenue from the Native Americans during the compact talks, then the federal government must be lobbied to federally tax the gambling proceeds. The tax legislation must include language that guarantees communities impacted by the gaming casinos a procedure to obtain the funds from the federal government. This would avoid the potential problem that exists with the current state-tribal compacts.

If the state-tribal compact discussion breaks down over the standardization of tribal gaming commissions, The National Indian Gaming Commission (NIGC) becomes important. The NIGC must be approached by the coalition of law enforcement leaders and convinced that local tribal gaming commissions need more standards and more of a regulatory role over the casinos.

Conclusion

Indian gaming casinos and their future impacts on law enforcement often become a moral issue. There are many Californians who believe Indian gaming will cause severe social problems. There is a concern that gambling sends a sinister message to our younger generation. The message is not to look towards education or hard work, but rely on luck for your future. Anti-gambling groups believe that the poor are the victims of gambling, spending their limited income on the roll of the dice. Families begin to disintegrate when a member exhausts the income in a casino. Problem gamblers increase and many trade one addiction for another. It is believed by some that this social decay contributes to an increase in calls for service for law enforcement and rise in crime rates.

On the other side of the argument, gaming must be looked upon as any other successful, legal business. Problems blamed on gaming are unmerited; gambling is the symptom not the cause of increase crime and family dysfunction.

The truth probably lies somewhere in between. A key problem is limited, unbiased credible research in California regarding social and economic impacts of gambling. Decisions to implement strategies supporting or limiting Indian gaming casinos are often made on personal convictions not valid research.

What will be the impact of California Indian gaming casinos on medium sized law enforcement agencies by the year 2006? Regardless of the research, one could intuitively reason that a successful Indian gaming casino will bring a larger population to the area, thus an increase in crimes and calls for law enforcement service. Prostitution, loan sharking, money laundering, and cheating schemes would likely increase in rural

areas. There also exists the possibility that many of these types of crimes existed before, but were not brought to law enforcement's attention until the arrival of gambling.

This project concludes there will be an increased demand on city and county infrastructures such as roads, sewers, and hospitals. Since most of the Indian gaming casinos are located in rural areas, there will be quality of life changes as more and more tourists arrive to gamble. Native Americans are expected to gather enormous wealth and begin to diversify from gambling into other business ventures. They will grow stronger politically, and be able to influence public policy, especially in the area of gaming. In addition, the granting of California peace officer status to tribal police will occur if there are no interventions by the peace officer community.

Peace officer status for tribal police would obviously reduce calls for service for city or county law enforcement. Although there would be short-term benefits, it is not worth the risk. Tribal police accountability to small close-knit tribal governments is a potential problem for corruption. Native Americans' refusal to waive their sovereignty concerning civil lawsuits against tribal police abuse must be viewed as unacceptable. The favorable future is the development of a strong trusting relationships between tribal governments and their local city or county police departments. This relationship becomes the basis for establishing fee-based contracts for police services for Native Americans and their casinos.

The impact upon law enforcement in the next five years will be significant. Law enforcement must be willing to become proactive rather than reactive to the impacts of California Indian gaming casinos on a medium sized law enforcement agency in the next five years. Law enforcement leaders should implement the recommended strategic plan

to mitigate unfavorable futures and cause optimistic outcomes. Clearly if law enforcement does not become involved in the gaming issue, other organizations and individuals will. Their concept of the gaming future may not be favorable for law enforcement. Law enforcement must assume a leadership role in the gambling issue and not leave their future in the hands of others.

Nominal Group Technique
Panel

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