

## **Fundamentals of Tribal Casino Gaming Regulation – A Primer for Regulators**

### **Top 10 Considerations for Tribal Gaming Regulatory Agencies Regarding Human Trafficking**

Tribal Gaming Regulatory Agencies (TGRAs) must clearly define the scope of their authority to address human trafficking on casino gaming and resort properties, including coordination with tribal government, tribal law enforcement, federal agencies, and, where appropriate, state partners. Clear jurisdictional protocols and notification/response processes are essential to avoid delays or gaps in response.

#### **1. Regulatory Duty to Address a High-Risk Criminal Activity**

Human trafficking, particularly sex trafficking, is a foreseeable and persistent risk in casino-resort environments due to high foot traffic, 24/7 operations, co-located lodging, anonymity, and cash-based transactions. TGRAs must recognize trafficking as a regulatory integrity and public safety issue, not solely a security concern.

#### **2. Integration of Human Trafficking into Minimum Internal Control Standards (MICS)**

TGRAs should ensure that casino MICS, security plans, casino policies, and surveillance standards explicitly incorporate human trafficking detection, reporting, documentation, and escalation protocols, including hotel operations where applicable.

#### **3. Mandatory Training and Continuing Education Requirements**

Regulators should require initial and recurrent training for casino, hotel, hospitality, surveillance, and security/guest safety staff on:

- Trafficking indicators
- Victim and trafficker behaviors
- Safe reporting procedures

Training should be standardized, documented, auditable, and updated to reflect emerging trafficking trends, consistent with guidance promoted by the National Indian Gaming Commission.

#### **4. Clear Prohibition on Independent Intervention by Employees**

TGRAs must emphasize through regulation and defined policy that employees must never attempt to rescue, confront, or intervene directly with suspected traffickers or victims.

Such actions pose serious safety risks and can compromise law enforcement investigations. Reporting, not intervention, is the appropriate regulatory expectation.

## **5. Formalized Reporting and Escalation Protocols**

Gaming operations must maintain clear, written procedures requiring employees to immediately report suspected trafficking to:

- Casino security/guest safety
- Designated casino/hospitality management
- Law enforcement or specialized task forces
- TGRA/Gaming Commission

TGRAs should evaluate whether reporting pathways are clearly communicated, consistently followed, and properly documented. Regulators should evaluate how surveillance systems, access controls, and data analytics are used to identify trafficking indicators, such as unusual room usage patterns, third-party control of individuals, or suspicious cash activity, while ensuring compliance with privacy and civil rights protections.

## **6. Coordination with Law Enforcement and Victim Service Organizations**

Regulatory frameworks should require casinos to establish pre-existing relationships with:

- Tribal, local, state, and federal law enforcement
- Specialized human trafficking task forces
- Victim advocacy and service organizations (e.g., organizations such as the Polaris Project)

These relationships must be in place before incidents occur. Memoranda of Understanding (MOUs) can clarify roles, evidence handling, victim referral processes, and information sharing.

## **7. Oversight of Casino Hotel Operations as a Trafficking Vector**

Where casinos operate hotels, TGRAs should apply heightened scrutiny to:

- Cash and prepaid card room payments
- Day-to-day extensions
- Excessive linen/towel requests
- Do-not-disturb patterns
- Requests for isolated rooms
- Posted lookouts outside rooms
- Excessive visits of different individuals to the room(s)

Hotel operations should be treated as an extension of the gaming environment for regulatory purposes.

## **8. Surveillance, Documentation, and Evidence Preservation**

TGRAs should ensure that surveillance and security/guest safety departments are trained to:

- Recognize trafficking indicators on the gaming floor and in common areas
- Preserve video, access logs, and transactional data
- Maintain chain-of-custody standards

Proper documentation protects both victims and the operation.

## **9. Victim-Centered, Trauma-Informed Regulatory Expectations**

Regulatory guidance should reflect an understanding that trafficking victims:

- May resist assistance
- May defend traffickers
- Often exhibit fear, confusion, or submissive behavior

TGRAs must reinforce that these behaviors do not negate victim status and should never be treated as criminal noncompliance by the victim. Regulators should emphasize trauma-informed, victim-centered approaches that prioritize safety, dignity, and access to services. Policies must discourage criminalization of trafficking victims and ensure staff understand how to engage without escalating harm.

## **10. Policy Adoption, Auditability, and Enforcement**

TGRAs should require casinos to adopt a formal Human Trafficking Policy, similar to the model provided in **Fundamentals of Tribal Casino Gaming Regulation – A Primer for Regulators**, and should:

- Audit compliance regularly
- Review incident reports and response timelines
- Facilitate debriefing and critical analysis of documented incidents and response
- Enforce corrective actions for deficiencies

Human trafficking controls should be treated with the same seriousness as AML, surveillance, and game integrity compliance.

## Conclusion:

Human trafficking presents material risks to public safety, regulatory integrity, victim safety, and reputational standing. TGRAs play a critical role by setting enforceable expectations, ensuring preparedness, and promoting coordinated, professional responses grounded in law enforcement and community partnerships rather than individual action. Human trafficking directly impacts tribal citizens, community safety, and the integrity of tribal gaming. TGRAs must emphasize awareness, education, and proactive response and law enforcement intervention to ensure that tribal gaming enterprises are not exploited as venues for organized exploitation.

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