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for Keeping Americans Safe at Sea”

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*A not uncommon problem is the allegation of sexual assault on passengers by crewmembers, particularly cabin, table or bar stewards. Members must have rigorous policies prohibiting socializing between crew and passengers. Any crewmember, found in a passenger area where he should not be, should be subject to dismissal for the first offense. A cruise operator must take reasonable care to investigate a crewmember's background before hiring him. There is at present a split of authority between US courts as to whether cruise operators are strictly liable for assaults by crew or whether operators are only liable if they are negligent in hiring or supervising crew members. The majority of the circuits have decided that operators are only liable for negligence. (A Guide to P&I Cover, The Standard, 2007)*

The contrast is stark. The cruise industry's insurance carrier states that sexual assault is a not uncommon problem, but the industry itself claims a cruise to be the safest form of commercial transportation. The industry's claim is grand – one which most passengers take at face value.

The Morgans (a pseudonym) took a cruise in 2005, never thinking twice about it being unsafe for their eight-year old middle daughter to go back to the family's cabin on her own. Along the way the youngster became confused and asked a crewmember in uniform for assistance. Instead of helping, the male (wearing a cruise line name plate) allegedly took the girl to a dark end of a corridor where there were no surveillance cameras and he masturbated in front of her. It was subsequently learned that the crewmember had previously worked for a different cruise line that had "do not rehire" marked on his personnel file. But he passed background checks and was hired by the current cruise line. It seems the cruise line also failed to notice that the name under which the man had applied for employment was different than the name on his passport.

Laurie Dishman also believed cruises were safe. She and her best friend in February 2006 chose a cruise to the Mexican Riviera to celebrate thirty years of friendship and to celebrate Laurie's birthday. But things quickly turned from good to bad when a security guard raped Laurie on day two of the cruise. The security guard, she learned later, was actually a janitor "filling in" for security in lounges to check IDs because there were not enough security personnel on board.

The cruise industry would prefer these experiences not be broadcast; when they are made public they are characterized as isolated exceptions or as statistically insignificant. But the fact is that sexual assaults have been recognized as an ongoing problem on cruise ships for decades.

### **Scope of the Problem**

"Cruise ships are as safe an environment as you can find," was what a Carnival Cruise Lines spokesperson said during a court case involving a fourteen-year-old child who was raped in 1989 on Carnival's *Carnivale*. Rape, he said, "happens in houses, offices, hotels, and parking lots" (Adams 1990: 1).

In this child's case, the rape occurred onboard in a cleaning closet. As the ship was returning to Miami from the Bahamas she went to the family's cabin (while other family members remained on deck) at 5:30 A.M. to check on a suitcase. While in the elevator, a male crewmember – a cleaner onboard the ship – kissed and fondled her. He then dragged her from the elevator to a cleaning closet and raped her on the floor. The girl picked the thirty-two year old crewman, a Colombian national and father of two, out of a line up. In February 1990, he was found guilty of the charges and

sentenced to thirty years in prison. The case received considerable attention because it was the first time a crewmember on a foreign-flagged cruise ship had been successfully prosecuted. The assault had occurred while the ship was within U.S. territorial waters (Adams 1990: 1).

Sexual assaults on cruise ships first gained the national media's interest in 1999. One peak was in July 1999 when Carnival Cruise Lines disclosed in the discovery phase of a lawsuit involving an alleged rape that it had received 108 complaints of sexual assaults involving crewmembers in the five year period ending August 1998. Royal Caribbean said it had had fifty-eight reported sexual assaults on its ships during the same five-year period.

Several months earlier an investigative journalist with the *New York Times*, Douglas Frantz, published an article entitled "On Cruise Ships, Silence Shrouds Crimes" where he describes an alarming range of passenger claims of sexual assault and discusses how they were handled by the cruise lines. Based on examination of court records and on interviews with cruise line employees, law enforcement officials, and passengers and their lawyers, Frantz describes

... a pattern of cover-ups that often began as soon as the crime was reported at sea, in international waters where the only police are the ship's security officers. Accused crewmembers are sometimes put ashore at the next port, with airfare to their home country. Industry lawyers are flown to the ship to question the accusers; and aboard ships flowing with liquor, counterclaims of consensual sex are common. The cruise lines aggressively contest lawsuits and insist on secrecy as a condition of settling. (Frantz 1998)

He cites a former chief of security for Carnival Cruise Lines as saying:

You don't notify the FBI. You don't notify anybody. You start giving the victims bribes, upgrading their cabins, giving them champagne and trying to ease them off the ship until the legal department can take over. Even when I knew there was a crime, I was supposed to go in there and do everything in the world to get Carnival to look innocent. (Frantz 1998)

Once a crime is reported, there are problems with preserving evidence. Passenger cabins are routinely cleaned twice a day, so much evidence is destroyed very quickly and there is often a delay between an attack and landing at a U.S. port. Rape experts suggest that cases reported within seventy-two hours provide the best forensic evidence but this time frame is difficult for attacks on a cruise ship. In addition, many victims are likely to delay making a report as long as they are aboard a ship because of fear of reprisal and because there is no independent investigator or rape-treatment centre. Sadly, rapes on cruise ships may often not be reported until it is too late for criminal investigation.

In those cases where a sexual assault is reported in a timely manner, victims and prosecutors were traditionally faced with a common practice among cruise lines to immediately send the accused back home, purportedly because they have violated company policies that prohibit fraternizing between passengers and crew. Reporters for the *Miami New Times* found that in each of five lawsuits against Carnival Cruise Line they reviewed, the employee was swept out of the country immediately after the ship arrived in port. In one case the employee was later rehired by the company and was subsequently served with a summons while at the dock in Los Angeles. Carnival's lawyers successfully argued the Indian citizen couldn't be sued in U.S. courts because American laws did not apply to him: not only is he a foreigner, but the alleged crime took place in Barbados on

a ship registered in Panama. The passenger's suit against Carnival Cruise Lines was settled out of court (Korten 2000).

### **Early Attempts to Address the Problem**

Some cruise lines (if not all) undertook initiatives to address the problem of sexual assaults and other crimes, though this was mostly done out of the public's sight. Royal Caribbean, for one, received reports in May/June 1999 from two consultants charged with making recommendations for preventing sexual harassment and assault. The problem was obvious. As one report states, "... improper activity occurs frequently aboard cruise ships, but goes unreported and/or unpunished" (Krohne 1999: 2). The other report acknowledged that "crew members generally understand that if they commit an offence and are caught they are most likely going to lose their job and be returned home, but not spend time in jail" (Greenwood, 1999: 4).

The reports make a range of recommendations, including: increased video surveillance of high risk areas (including the disco bar and dance area, main service corridors on crew decks and key intersections on passenger decks, and youth activity areas); cameras already in place be monitored periodically, at least on a random basis, and be recorded at all times; an increase in the number of security staff by two per ship; and increased training and education of staff and crew members. In addition they recommended that responses to sexual harassment and assault be standardized across brands and ships, that training for medical personnel include an interview protocol for sexual assault incidents, that a staff member be identified and assigned responsibility to serve as an advocate for the target of sexual harassment or assault, that a shore side hotline be established to receive telephone reports of wrongdoing and that investigations be consistent and evenly handled. Given their assumption that cruise passengers were unaware of the prohibition between crew and guest social interactions (and that passengers often, unintentionally, put a crew member in an uncomfortable position by engaging him or her socially), they also recommended better educating passengers and better signage onboard demarcating areas that are "off limits" to passengers. The recommendations are great, but the degree to which they were embraced and implemented is questionable. Many are still being debated and discussed; they are not found in general practice.

The consultants also identified cultural challenges to reducing sexual harassment and assault. For example, senior officers and management need to break from the traditionally hierarchical and militaristic structure of a ship and instead treat their crew and staff members fairly and respectfully. They need to reinforce the need for staff and crew members to treat each other and passengers respectfully. If they wish to prevent sexual harassment and abuse then they must have zero tolerance for both, no matter the rank or position of the offender.

Diverse cultural perceptions of sexual harassment and conduct among a ship's crew present another challenge. There is a diverse population drawn from around the world, and in many of these cultures women, women's rights and sexuality are seen quite differently than they are by most North Americans. These differences need to be addressed through better training and more effective oversight and supervision.

### **Managing perceptions**

Rather than address the problem head-on, the cruise industry appears to be focused on managing public perceptions. In the midst of the heightened media coverage and interest, four cruise corporations (Carnival Corporation, Royal Caribbean Cruises Limited, Crystal Cruises, and Princess Cruises) representing more than 75 percent of the industry signed a letter of commitment in July 1999. Issued under the auspices of the International Council of Cruise Lines, they pledged a "zero tolerance policy" for crimes committed onboard ships and established an industry standard

requiring allegations of onboard crime be reported to the appropriate law enforcement authorities. For vessels calling on U.S. ports, or crime involving U.S. citizens, this meant the Federal Bureau of Investigation (FBI).

Interestingly, cruise lines were already expected to report to the U.S. Coast Guard all crimes involving U.S. citizens on cruise ships but it isn't clear that the information was being reported or sought. U.S. authority in these cases extends from the special maritime and territorial jurisdiction of the United States (USC 18 CFR). Under U.S. Code, the government can exert authority over U.S. territorial seas, any place outside the jurisdiction of a nation with respect to an offence against a U.S. national, and a foreign-flag vessel during a voyage to or from the U.S. where an offence is committed against a U.S. national.

The cruise industry announced its zero tolerance for crime policy with a press release. It reassured passengers of background checks on prospective employees, that crew members violating rules against fraternization with guests would be dismissed, that there were highly trained security personnel on every vessel, and that there were established procedures to investigate, report and refer incidents of onboard crime to appropriate law enforcement authorities. The press release told American passengers that they were protected by U.S. laws, that cruise lines were subject to civil liabilities in U.S. courts, and that they were safer on a cruise ship than in urban or rural America. But it didn't appear to result in greater reporting of crimes.

### **Minimizing the Problem**

The cruise industry has become adept at minimizing the problem. In 1999 it claimed that the number of reported shore side aggravated sexual assaults was at least twenty to fifty times greater than the total number of all reported shipboard assaults of any type. Just seven years later, based on statistics for 2003 through 2005, they testified to a subcommittee of the House of Representatives that the rate of sexual assault on cruise ships was at worst half that found in the US generally (see Fox, 2006). This suggests that there was either as much as a twenty-five-fold increase in sexual assaults between 1999 and 2003 or that the claims made in 1999 were false and unfounded.

The industry's 2006 testimony was questioned a year later through analysis of data presented in a *Los Angeles Times* article (see Yoshino, 2007) which showed the rate of sexual assault was actually almost twice that found in the US (see Klein, 2007). The industry responded privately – they clarified that what they meant in their Congressional testimony was forcible rape, not sexual assaults. They had taken the US rate for forcible rape and labeled them sexual assaults. The integrity of their own data is unclear (e.g., what definitions were used to include/exclude incidents) given that it has not been available for independent analysis and verification.

Most recently, the cruise industry has attempted another method for minimization. Rather than use a standardized rate to reflect incidence of sexual assaults, they now claim “...there is less than a .01 percent chance that a cruise passenger will become the victim of an alleged crime on a cruise vacation” (Dale, 2007) They shifted from a rate based on the daily population on cruise ships (which is consistent with the way rates for crime are computed by the FBI) to a probability based on the total number of cruise ship passengers in a year. Their new representation translates to 10 incidents of crime per 100,000 population. If we use this exact same method to compute the incidence of forcible rape in the state of California (i.e., add together the number of state residents and the number of tourist visitors in a year) it yields a rate of 0.0025 percent, well below the industry's rate of 0.01 percent. But the comparison needs to be treated with caution given that the method by which it is computed is not conventionally accepted as a means for reflecting crime rates.

Shifting definitions is another method used for minimizing the incidence of sexual assaults. As already mentioned, the cruise industry meant “forcible rapes” when they used the label “sexual assaults” in their 2006 testimony before a House of Representatives subcommittee. The difference between the two terms is not trivial. The rate of forcible rape excludes many crimes that fall under the accepted definition for sexual assault, including child sexual abuse and exploitation for sexual purposes, unwanted sexual contact, and unwanted sexual acts. The definition of sexual assault, as it well should be, is broad and includes acts against children, men, and women and which involve unwanted sexual touch, unwanted sexual activity (including but not limited to forcible rape) and sexual exploitation.

### Getting a Grip on the Size of the Problem

There is only one independent set of statistics for the rate of sexual assault on cruise ships. These are based on raw data provided by Royal Caribbean International in discovery in a lawsuit in Florida. The data covers all sex related incidents in a three year period from 2003 through 2005, though based on the wording of the discovery request the data likely under-represents incidents involving two crew members. Table 1 shows that data broken down by ship.

As may be seen in Table 1, the rate of sexual assault on cruise ships, compared to the rate of forcible rape in the US, is not half but almost twice the US rate. This rate is validated by data presented by the FBI in Congressional hearings in September 2007 and summarized in Table 2. The table shows an industry-wide (i.e., members of CLIA) rate of sexual assault of 56.9 per 100,000.

**TABLE 1: RCI “Reported Sex Related Incidents” 2003 – 2005**  
*Number of Reported Incidents and Annualized Rate per 100,000 by Ship*

Ship	Inappropriate Touch	Sexual Harassment (SH)	Sexual Assault (SA)	SH+SA (annual per/100,000)	Crew - Crew	Guest - Guest	Crew - Guest
<b>Adventure</b> (Double occ: 3114)	0	3	5	57.97	0	3	3
Onboard pop=4600   Incidence/100,000		21.74	36.23				
<b>Brilliance</b> (Double occ: 2110)	2	6	7	139.79	2	2	10
Onboard pop=3100   Incidence/100,000		64.52	75.27				
<b>Empress</b> (Double occ: 1600)	2	7	8	208.33	2	2	10
Onboard pop=2400   Incidence/100,000		97.22	111.11				
<b>Enchantment</b> (Double occ: 1950)	1	4	4	91.94	1	2	5
Onboard pop=2900   Incidence/100,000		45.97	45.97				
<b>Explorer</b> (Double occ: 3114)	2	13	11	173.91	3	3	16
Onboard pop=4600   Incidence/100,000		94.20	79.71				
<b>Grandeur</b> (Double occ: 1950)	1	2	3	57.47	0	2	3
Onboard pop=2900   Incidence/100,000		22.99	34.48				
<b>Jewel</b> (Double occ: 2112)	1	1	0	10.75	0	0	2
Onboard pop=3100   Incidence/100,000		10.75	0.0				
<b>Legend</b> (Double occ: 1804)	2	2	4	74.07	3	2	3
Onboard pop=2700   Incidence/100,000		24.69	49.38				
<b>Majesty</b> (Double occ: 2354)	1	10	7	161.91	0	2	13
Onboard pop=3500   Incidence/100,000		95.24	66.67				
<b>Mariner</b> (Double occ: 3114)	0	6	4	72.47	0	2	6

Onboard pop=4600   Incidence/100,000		<b>43.48</b>	<b>28.99</b>				
<b>Monarch</b> (Double occ: 2354)	6	5	15	<b>190.48</b>	2	8	13
Onboard pop=3500   Incidence/100,000		<b>47.62</b>	<b>142.86</b>				
<b>Navigator</b> (Double occ: 3114)	3	6	8	<b>101.45</b>	0	1	13
Onboard pop=4600   Incidence/100,000		<b>43.48</b>	<b>57.97</b>				
<b>Radiance</b> (Double occ: 2110)	4	7	3	<b>107.53</b>	1	2	10
Onboard pop=3100   Incidence/100,000		<b>75.27</b>	<b>32.26</b>				
<b>Rhapsody</b> (Double occ: 2000)	0	3	7	<b>111.10</b>	0	2	5
Onboard pop=3000   Incidence/100,000		<b>33.33</b>	<b>77.77</b>				
<b>Serenade</b> (Double occ: 2112)	0	5	2	<b>75.27</b>	1	3	3
Onboard pop=3100   Incidence/100,000		<b>53.76</b>	<b>21.51</b>				
<b>Sovereign</b> (Double occ: 2276)	1	5	7	<b>114.65</b>	2	1	9
Onboard pop=3400   Incidence/100,000		<b>49.02</b>	<b>65.63</b>				
<b>Splendour</b> (Double occ: 1804)	1	2	0	<b>24.69</b>	0	0	3
Onboard pop=2700   Incidence/100,000		<b>24.69</b>	<b>0.0</b>				
<b>Vision</b> (Double occ: 2000)	7	4	4	<b>88.88</b>	3	2	10
Onboard pop=3000   Incidence/100,000		<b>44.44</b>	<b>44.44</b>				
<b>Voyager</b> (Double occ: 3114)	2	11	14	<b>181.16</b>	3	7	17
Onboard pop=4600   Incidence/100,000		<b>79.71</b>	<b>101.45</b>				
<b>Totals</b>	36	102	113		24	50	151
Onboard pop=64000  Incidence/100,000		<b>53.12</b>	<b>58.85</b>	<b>111.97</b>	<b>10.7%</b>	<b>22.2%</b>	<b>67.1%</b>
US Rate for sexual assaults			<b>32.20</b>				
<b>Place of Incident:</b> Unknown (26.6%), Pax Cabin (20.1%), Bar/Disco (10.8%), Other (6.0%), Dining Area (5.4%), Spa/Salon (5.4%), Public area (4.8%), Cabin - Officer/Crew (3.6%), Corridor (3.0%), Deck area (2.7%), Ashore (2.7%), Child/teen area (2.4%), Elevator (1.8%), Swimming Pool (1.5%), Crew area (1.5%), Public restroom (1.5%)							

#### Explanatory notes for Table 1

Data in this table was provided as part of discovery in a lawsuit involving the sexual assault of a passenger by a crew member. As such, the data only includes incidents reported to the cruise line and in turn reported in discovery. Given the limited purpose of the discovery request, it is suspected that incidents involving two crew members are under-reported.

The table shows reported incidents that have been labeled by the victim and/or cruise line as inappropriate touch, sexual harassment, sexual assault, or sexual battery. Cases of sexual battery have been included under the label "sexual assault."

The raw data included 41 incidents labeled inappropriate touching, 92 incidents labeled sexual harassment, 114 incidents labeled sexual assault, and 12 incidents labeled sexual battery. After cleaning for accurate labeling, eight incidents were dropped because they were wholly mislabeled; they are not included in the table.

The table shows both the ship's passenger numbers (assuming double occupancy) and an estimate of total ship population that includes crew members and additional passengers given that many ships sail with more passengers than the double occupancy figure.

The comparison of reported incidents of sexual assault with the US rate of sexual assault (as defined by the cruise industry as only forcible rapes) must be interpreted with caution. Technically, such a comparison can be misleading, however the cruise industry chose to make this comparison in testimony provided to Congress by James Fox in March 2006 and on that basis to claim that one is safer on a cruise ship than on land. Perhaps more informative is a comparison of Dr. Fox's assertion that there are 17.6 reported incidents of sexual assault per 100,000 with the data in this chart. This chart shows a rate of sexual assault that is 3.33 times greater than that presented by Dr. Fox to Congress; if we look at sexual assault plus sexual harassment the rate of incidence is 6.36 times greater than reported.

**TABLE 2: Comparison of Crime Rate Aboard Cruise Ships: 2003 – 2005 vs 2007**

	2003 – 2005 <sup>1</sup>			2007 <sup>2</sup>	
	Sexual Assault	Robbery		Sexual Assault <sup>3</sup>	Robbery <sup>4</sup>
Offences reported	149	4	Offences reported (146 days)	69	54
Annual average	49.67	1.33	Annualized rate	172	135
Passenger count, 2003-05	31,068,000	31,068,000	Pax count, April 1 – Aug 24, 2007	4,379,808	4,379,808
Annual average	10,365,000	10,356,000	Average pax cruise length <sup>5</sup>	7.0	7.0
Average pax cruise length (days)	6.9	6.9	Daily pax exposure	209,991	209,991
Annualized pax exposure			Passenger count x (7.0/146)		
Annual average pax count x (6.9/365)	195,771	195,771	Daily crew size <sup>6</sup>	92,284	92,284
Daily crew size	86,035	86,035	Total daily (annualized) person exposure	302,275	302,275
Total annualized person exposure	281,806	281,806	Rate of crime per 100,000	56.9	44.7
Rate of crime per 100,000	17.6	0.5			

Notes for Table 2:

<sup>1</sup> Source: Statement on Crime aboard Cruise Ships, James Allan Fox, March 7, 2006, in Congressional hearings. Data was for a period of three full years.

<sup>2</sup> Source: Summary of Subject Matter, Subcommittee on Coast Guard and Maritime Transportation Staff, September 17, 2007, Hearing on Cruise Ship Security Practices and Procedures. Data was for a period of 146 days (April 1 – August 24, 2007): equivalent to 0.4 year.

<sup>3</sup> Sexual Assault includes the categories of “sexual assault” (N = 41) and “sexual contact” (N=28). This is consistent with what is understood to have been done for the 2003-2005 data where it is understood that the categories of “sexual act” and “sexual contact” were both viewed as “sexual assaults.”

<sup>4</sup> Robbery includes “theft of items valued over \$10,000” (N=13) and “theft of items valued at less than \$10,000 (N=41)

<sup>5</sup> Source: CLIA Cruise Industry Overview, Marketing Edition 2006 (latest data available)

<sup>6</sup> The same ratio of passenger-to-crew used in 2003-2005 (0.4349675411) is used here.

The analysis by ship (Table 1) gives some additional insight into the problem. As can be seen there is a wide variation between ships. Some, such as *Jewel of the Seas*, have relatively few incidents. Others, such as *Monarch of the Seas*, *Empress of the Seas* and *Voyager of the Seas*, have many. The obvious question is what can be extrapolated from these differences. That question was posed to several Royal Caribbean staff members. Their responses touched on several issues.

One factor is that incidents vary by cruise length and itinerary. Shorter cruises (three or four days in length) often attract a different type of passenger than cruises lasting a week or more. Those on over-weekend mini-cruise may drink more and take greater part in the nightlife, sometimes to excess. They risk becoming more vulnerable to crewmembers or other passengers. There are also special interest cruises (including partial charters or large affinity groups) that attract passengers who are different than the norm depicted in advertising (e.g., swingers, bikers, hard rockers, etc). While it is difficult to assign the degree of increased risk there is reason to believe that passengers are at greater risk on some cruises than on others simply because of the itinerary, the nature of other cruise passengers or cruise length.

A large factor in risk to passengers and to crew is the onboard culture set by management. Some ship captains maintain higher expectations and lower tolerance for misbehavior by crewmembers than others. Others, however, may be less respectful to their crew (acting authoritarian and being unfair in decision-making, such as an officer denying promotions to subordinates involved with female crew members he liked) and create an environment that is less healthy for staff and potentially higher risk for passengers. Some workers cited different management styles as a key



factor in the rate of incidence of sexual assault and harassment. Some officers provide better role models than others through their own behavior, both in terms of alcohol consumption and treatment of women crew and passengers. A womanizing Captain, or a Captain who allows senior staff to sexually exploit staff/crew and passengers, sets a tone and gives permission to others to behave the same.

Shipboard culture overlaps with the culture from which crewmembers come. Many locations in the world have different attitudes than those commonly held in North America about women's rights and about the nature of relationships between men and women. Specific cultural views of what constitutes sexual harassment and unwanted attention are a possible risk factor. As Greenwood states, "... it was the subjective opinion stated by many officers and crew members that the cultural inclination toward aggressive sexual behavior, general low regard for the status of women, and the attractiveness and charming personalities of these nationals [(referring to one cultural/ethnic group)] is a risk factor to be considered" (1999: 3-4). The problem is that a crewmember may behave in ways that are acceptable in his or her home culture, but that are inappropriate or abusive in North American culture.

There is no simple solution to the problem, but the by-ship comparison suggests that some ships and ship management are doing things right. There are likely things to be learned by focusing on those ships where sex-related incidents are relatively few and comparing them to those where incidents are many. The differences may provide insight and direction for positive change. But this type of analysis is not being done. While the goal of each cruise line should be consistency across the ships in its brand, it is something that is not being achieved (Krohne 1999).

Michael Eriksen, a lawyer who represents victims of crime on cruise ships has another perspective. He says some forms of crew misconduct derive from the cruise industry's business models and hiring practices.

"Crew members live and work in confined quarters, are away from home for extended periods, and work long hours with little downtime, even during port calls. The crew's alienation from normal home and family activities leaves many vulnerable to social entanglements with passengers." (Eriksen 2006: 48)

Eriksen posits that many if not most crewmembers alleged to have committed sexual offenses against passengers aboard cruise ships have been cabin stewards, bartenders, dinner waiters, or others whose jobs involve daily passenger contact. He suggests:

"To deter such misbehavior, a cruise line must do more than write up a 'zero tolerance' policy and pay lip-service to it. Criminals aboard cruise ships, like those elsewhere, commit crimes because they perceive a minimal risk of detection and prosecution. Some cruise lines fail to install sufficient surveillance cameras in public areas to identify and deter potential perpetrators. Other carriers fail to hire enough supervisors and security guards to adequately keep tabs on the rest of the crew. Some carriers fail to make it clear to crewmembers that zero tolerance also applies to crew-passenger contact ashore. Carriers also generally do not warn passengers to be wary of crew member misconduct." (Eriksen 2006: 49)

### **It Isn't Just Sexual Assaults**

The first hearings in the House of Representatives in December 2005 were not concerned with sexual assaults. Their initial focus was on a cluster of cases where a passenger disappeared from a

cruise ship. The issue was raised in June 2005 in a *Business Journal of Jacksonville* article written by Mary Moewe. She had found that since 2000 at least twelve cruise ship passengers had gone overboard or disappeared in eleven incidents involving cruise ships that frequent U.S. ports. Two passengers were rescued, two were confirmed dead and eight are still missing. These eight remain a mystery (Moewe 2005).

Unbeknownst to Moewe, the numbers were actually much higher. Because no cruise line or corporation kept track of persons going overboard and no federal agency had responsibility for monitoring these events, she was left to rely on information that was readily available. The most comprehensive list of persons going overboard from cruise ships at the time was online at Cruise Junkie dot Com (see <[www.cruisejunkie.com/Overboard.html](http://www.cruisejunkie.com/Overboard.html)>). The site reports forty-seven incidents during the same time period covered by Moewe's article; in nine cases the person was rescued alive. Some cases were clearly suicide, some were accidents and many remained mysterious. Alcohol was a factor in a fair number of suicides and accidents; large gambling losses were a factor in at least three cases and an argument with a spouse or traveling companion preceded four incidents (three men, one woman – in two of these cases the passenger was rescued alive). There was a single case where one passenger was observed throwing another overboard. In September 2001 Myrtha Vogt, a sixty-nine year old woman from New Mexico, was pushed overboard, as her husband watched, by a fellow passenger who was a former mental patient. They were on the third day of an eleven-day cruise of Norway's fjords.

Some of the unexplained disappearances include: Cris Allen Swartzbaugh, a thirty-nine-year-old man who disappeared between Tahiti and Raiatea in the South Pacific the first night of a cruise aboard the *Paul Gauguin* in April 2000; Manuelita Pierce, a thirty-nine-year-old woman who disappeared without a trace at the end of her weeklong Caribbean cruise aboard Royal Caribbean's *Enchantment of the Seas* in October 2000; Randall Gary, a fifty-year-old psychotherapist who in May 2003 disappeared from Holland America Line's *Veendam* somewhere between Vancouver and Alaska; Merrian Carver, a forty-year-old woman who in May 2004 disappeared from an Alaska cruise aboard Celebrity Cruises' *Mercury*; Annette Mizener, a thirty-seven-year-old woman who disappeared from a nine day Mexican Riviera cruise aboard *Carnival Pride* in December 2004 – in her case the surveillance camera viewing the deck area from where she disappeared, apparently following a struggle, was covered by a map of the ship; and in May 2005 Hue Pham (age seventy-one) and his wife of forty-nine years, Hue Tran (age sixty-seven), disappeared in the Caribbean between the islands of Barbados and Aruba from *Carnival Destiny*. What started out as a Mother's Day gift – a seven night Caribbean cruise with their daughter and granddaughter – turned into a tragic and mysterious disappearance. There were common patterns in these cases: search for the missing passenger was either not undertaken or was inordinately delayed, there appeared to be an absence of investigation, and in some cases law enforcement authorities were not initially notified.

While these cases suggest a problem, the disappearance of George Allen Smith IV, a twenty-six-year-old on his honeymoon aboard the *Brilliance of the Seas* in the Mediterranean in July 2005, immediately captured the world's attention and interest and catapulted passenger disappearances into the public eye. The newlyweds had been drinking heavily and gambling at the ship's casino before his disappearance. The story that emerged was that while George's wife, Jennifer Hegel-Smith, lay passed out on a floor far from the couple's cabin (and with no recollection of events), George was taken back to his cabin by some drinking buddies who claim they put him to bed. The next morning a youngster in a nearby cabin reported seeing blood on a canopy above a life boat under the Smith cabin and an investigation determined that at least one of the Smiths was missing. Jennifer was located that morning in the gym, unaware that anything had happened.

George's disappearance was reported to local Turkish authorities that came aboard to investigate. To this day, it appears the investigation remains open and conclusions have yet to be drawn. There is some indication that foul play was involved, and some believe they know who was involved, but no one has been formally identified or charged.

In late-June 2006, Jennifer reached a settlement with the cruise line over her husband's disappearance. George's parents the same day filed suit against the cruise line claiming the cruise line deliberately and intentionally portrayed the incident as an accident, and hampered a full-blown, appropriate investigation into the facts and circumstances of George's death. Specifically, they claim the cruise line delayed reporting the incident to the FBI, deciding instead to report the case to Turkish authorities. When Royal Caribbean did contact the FBI, the suit claims the cruise line failed to tell authorities about loud noises and arguing in Smith's cabin and the discovery of blood inside and outside the cabin. As well, the family accuses Royal Caribbean of contaminating a potential crime scene by sending crew members into the cabin to investigate and take photographs and by cleaning blood from the canopy above a lifeboat.

The Smith case dominated news media in the United States for months and was the focus of stories in both print and television magazines. It particularly caught the attention of Smith's member of Congress, Christopher Shays, who was aware of some of the other cases involving disappearances from cruise ships (including the case of Merrian Carver) and who pushed for and who chaired the first two Congressional hearings (December 2005 and March 2006). The latter shifted the spotlight to sexual assaults.

The other issue raised in the March 2006 hearing was robbery and theft. The industry claimed then that there was only four known robberies industry-wide in the three year period, 2003 – 2005. That meant an annual rate of 1.33. As seen in Table 2, the FBI reported in 2007 an annualized rate of 135. That yields a rate of 44.7 per 100,000. This is 100 times greater than what the industry admitted to in its March 2006 testimony.

### **Getting a Handle on Crime**

It is not surprising to most that crimes would occur on cruise ships, much the same as they do on land. However there are features of a cruise vacation – excessive drinking, uninhibited sociality, shipboard culture, and not trivially the industry's mantra that cruise vacations are virtually safe – that raise the risk higher than what would be expected on land and certainly higher than most passengers expect. Like dealing with an alcoholic, the first thing the cruise industry needs to do is to admit that there is a problem. Only then can they begin to address the problem and seek advice from critics and independent and external analysts. Their current method of obfuscation and excluding from discussion those who disagree with them may have worked in past, but the problem has reached proportions that demand meaningful and significant measures.

The industry will argue that the reporting agreement between CLIA and the Coast Guard/FBI is enough for dealing with the problem. However it is not. The industry has been required to report all crimes against Americans for more than a decade (first under USC 18 CFR and later by their zero tolerance pledge in 1999), but they obviously weren't if we compare the incidence before and after April 2007 when the industry's voluntary agreement with the FBI and Coast Guard took effect. The agreement is a positive step, but it has little value when data is collected and then kept secret. There is no regular public reporting of crime on cruise ships. An amendment to HR 2830 offered by Representative Doris Matsui of California (and co-sponsored by Representatives Poe, Maloney and Shays) and passed earlier this year as part of the Coast Guard Reauthorization Bill will change that.

It requires that data collected by the FBI be made available via the Internet, broken down by cruise line, and that the link to the data be clearly displayed on each cruise line's website.

The only apparent weakness of this approach is that it does not define what constitutes a crime. This is important given the industry's propensity for manipulating definitions. It would be helpful to clearly state what actions or behavior is reportable without leaving wiggle room for misinterpretation or under-reporting. Some might argue this approach is based in basic distrust of the cruise industry. The distrust is based in experience. The industry consistently misrepresented and lied about its environmental practices during the 1990s and early 2000s. It has also, intentionally or unintentionally, under-represented the incidence of crimes to Congress and to its customers. It is not necessarily the safest mode of commercial transportation and should not purport to be.

### **Recommendations**

In addition to the need for standardized definitions for reportable crimes, it would also make sense to extend mandatory reporting laws found in virtually every US jurisdiction with regard to child sexual abuse so that they also apply to cruise ships. Why should cruise ships operating out of US ports and carrying American citizens be treated differently than other jurisdictions, especially when it comes to victimization of our youngest citizens? It may also be prudent to have mandatory reporting for all sexual assaults (i.e., sexual contact, sexual acts, forcible rape, and any other incident involving unwanted sexual activity). However, as already stated, clear definitions need to be provided so that all crimes be reportable and reported. As well, this data should be public and available to persons thinking about or planning to take a cruise. They need to have information that counterbalances the cruise industry's grand claims about passenger safety.

A second set of recommendations emerges from the 1999 reports by consultants hired by Royal Caribbean Cruises Limited. Many of the recommendations are spot on but have not been implemented or have been implemented in a haphazard and inconsistent manner. Some that still need better implementation include: standardizing the response to incidents of crime across all ships and across brands; independent advocates/counselors onboard who are available to support and care for victims; a hotline reporting system off ship that may be used by those who not surprisingly will feel unsafe about reporting an incident onboard; better surveillance and greater use of CCTV cameras in key areas of the ship, which are regularly monitored and tapes stored for a reasonable period of time (at least as long as the time allotted by the cruise passenger contract for bringing legal action against a carrier) – videos that are not regularly screened give crew members confidence that they are likely to get away with illegal activity; better education of crew and passengers about safety, security, and about the limited nature of permitted interactions between passengers and crew/service staff; and, of key importance, effecting a meaningful and significant change in shipboard culture and tolerance for misdeeds. Many crimes occur because perpetrators know they will not be caught, and if caught they will not be punished.

There is also great room for improvement on a very concrete level. Many recommendations are contained in the International Cruise Victims Association's (ICV) 10-point program. Given that ICV is a grassroots organization comprised largely of people who have experienced crime onboard a cruise ship (or whose family member(s) has/have), and that they speak loudly for themselves, I won't attempt to summarize what they have to say. Their insights are based on direct experience and their recommendations are informed by the pain and suffering they have endured. They can express better than I many of the things the industry could and should be doing that it isn't.

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