

Testimony of Ross A. Klein, PhD
Before the Subcommittee on Coast Guard and Maritime Transportation
House Committee on Transportation and Infrastructure

Hearings on “Crimes Against Americans on Cruise Ships”

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I am pleased to have the opportunity to assist the Subcommittee in its deliberations about “Crime Against Americans on Cruise Ships.” I am an academic whose research focuses on the cruise industry. I have written widely about the cruise industry, have given invited lectures to academic and non-academic audiences across North America, the Caribbean, Australia, and New Zealand, and often consult with community groups and local governments.

My comments today will focus largely on the issue of crime on cruise ships, particularly sexual assaults. These comments are framed in part by cruise industry claims that a person is safer on a cruise ship than on land and that the crime rate on ships is lower than that in the US generally. While the cruise industry works to minimize the appearance of passenger risk to onboard crime, I wish to provide objective data that undermines their claims. My basic point is that it is an incontrovertible fact that sexual assault and sex-related incidents are a problem for the cruise industry and that the first step in dealing with the problem is to admit that it exists and to understand its landscape and complexity.

Rate of Sexual Assault on Cruise Ships

Last March the Committee heard testimony from the cruise industry asserting that:

Compared against their home communities, passengers have an appreciably lower risk of sexual assault and robbery while enjoying a vacation cruise. Based on passenger and crew counts adjusted for exposure time, the rate of sexual assault on cruise line is – at worst – half the U.S. rate for forcible rape. (Testimony of James Alan Fox, March 7, 2006)

Based on the numbers given to Dr. Fox by the cruise industry, and the method he used to extrapolate from industry-wide passenger load figures, his claim that cruise ships are safer is a fair conclusion. However, as with any mathematical computation, if the numbers going into the equation are unreliable, then the result is also unreliable.

In contrast to Dr. Fox’s method, I have the advantage of focussing on a single cruise line, Royal Caribbean International.¹ This provides much more reliable numbers for input. Rather than beginning with an industry-wide number of cruise passengers and then arriving at a daily population on cruise ships, I am able to draw directly from Royal Caribbean Cruise Limited’s Annual Report the number of passenger days which, when divided by 365 and multiplied by 75% (Royal Caribbean International’s share of

¹ It needs to be emphasized that Royal Caribbean International (RCI) was chosen because reliable figures were available for them. There is no basis to believe that RCI is an anomaly within the industry. It is fair to assume that there are not statistically significant differences between RCI and comparable mass market cruise lines.

company-wide passenger days), gives the average number of passengers on Royal Caribbean International ships per day (see Section C of Table 1). I also have figures for sexual assault and sex-related incidents that were provided by Royal Caribbean International as part of a civil suit and which were subsequently published by the Los Angeles Times in a January 20, 2007 article. The numbers cover a period of 32 months and include the following reported incidents: 81 sexual assaults, 52 cases of inappropriate touching, 28 cases of sexual battery, 99 cases of sexual harassment, and 13 cases that were specified as "other".

Using the numbers at my disposal, I conclude that one has a 50% greater chance of sexual assault on a Royal Caribbean International ship as compared to the US generally and that the pattern on Royal Caribbean International is consistent with that of other mass market cruise lines operating ships of similar size and style. In contrast to Dr. Fox's assertion that the rate of sexual assault on cruise ships is 17.6 per 100,000, I find a rate that is almost three times greater: 48.065 per 100,000.

Let me briefly walk through the method used to arrive at the numbers.

Royal Caribbean International is part of Royal Caribbean Cruises Limited (which also operates Celebrity Cruises). Since the corporation reports company-wide passenger-day figures, the first step is to determine the proportion of passenger days attributable to each company. As seen in Section A of Table 1, Royal Caribbean accounts for approximately 75% of the corporation's berths. Thus, passenger-day figures for Royal Caribbean International are easily derived by multiplying corporation-wide numbers by 75 percent.

Next, we need to annualize (convert to a yearly basis) the number of sex-related incidents. Since the numbers we have are for a period of 32 months, they are divided by 32 (to arrive at a monthly number of incidents) and then multiplied by 12 (to arrive at an annual number). As seen in Section B of Table 1, there are 102.375 sex-related incidents per year; 30.375 sexual assaults per year.

Since our ultimate goal is to arrive at a rate per 100,000, we must next compute the average daily population on Royal Caribbean International ships. As already noted, this is done by taking corporate-wide passenger days and converting these to a number reflecting the daily shipboard passenger population for the corporation, and then segmenting the daily population for the two companies: Royal Caribbean International (75%) and Celebrity Cruises (25%). We then must also add crew numbers as part of shipboard population. Based on company data, we assume that crew numbers are at a ratio of 1 : 2.5 passengers (Dr. Fox functionally used a ratio of 1 : 2.27). Adding crew numbers to passenger numbers yield an average daily shipboard population of 63,196. This figure is 6% lower than would have been produced by using Dr. Fox's method that starts with number of passengers carried.

As can be seen, Section D of Table 1 indicates a rate of 48.065 sexual assaults per 100,000; 161.996 sex-related incidents per 100,000. The US rate for sexual assaults, as presented by Dr. Fox, is 32.2 per 100,000.

TABLE 1: Rate of Sexual Assault on Royal Caribbean International

A. Royal Caribbean International (as part of Royal Caribbean Cruises Limited)

2005 RCCL Annual Report: 28 ships, 59,450 berths

2003 Form 20F (SEC) breakdown by company:

Royal Caribbean International	19 ships, 44,106 berths
Celebrity Cruises	9 ships, 16,354 berths

Royal Caribbean International as a percentage of Royal Caribbean Cruises Limited: 75% of berths

B. Sex-related Shipboard Incidents on Royal Caribbean International (reported in LA Times, 20 Jan 07)

Sex-related shipboard incidents, 2003 – 2005	273
Annualized (based on data for 32 rather than 36 months)	102.375

Sexual Assaults, 2003 – 2005:	81
Annualized (based on data for 32 rather than 36 months)	30.375

C. Population on Royal Caribbean International Ships per Day

Passenger days, Royal Caribbean Cruises Limited (2005 Annual Report)

- 2003 20,064,607
- 2004 22,661,965
- 2005 23,178,560

Total: 65,905,227

Yearly average (÷ 3): 21,978,409

Daily average population for RCCL (÷ 365): 60,187

Daily passenger population for Royal Caribbean International (×.75) 45,140

Estimated daily crew size (based on ratio of 2.5 pax : 1 crew) 18,056

Total daily RCI shipboard population (person exposure) 63,196

D. Rate of Sex Related Shipboard Incidents

- Annual rate of sex-related shipboard incidents (per 100,000): 161.996
- Annual rate of sexual assaults (per 100,000): 48.065
- US rate for sexual assaults (per 100,000): 32.200

Factors Influencing Rates

It is useful in this context to consider factors that likely influence the reporting of incidents of sexual assault. After all, the numbers we are dealing with only include reports of assault and these, like on land, reflect only a portion of actual cases. While some disincentives to reporting assault are common to cruise ships and land, the cruise ship is a unique environment and produces its own issues.

Secondary Victimization and Underreporting

One factor in underreporting is the fear of secondary victimization. This takes on a different flavour aboard a cruise ship where a victim who is a crew member is left having to continue to work in the environment (and often with the person) that victimized them. I have been contacted by several female crew members who have complained of being supervised by a recognized sexual predator; their complaints to shipboard and corporate management were ignored or the staff member was told to deal with it or to get a job elsewhere. They, in effect, are victimized first by the harassment or assault and then victimized again by the employers refusal to deal seriously with their complaint, and perhaps again at the hand of their victimizer who knows by now that he can get away with his behaviour patterns.

In the case of passengers, the secondary victimization may be a bit different. Often the cruise line's first response to an assault or sex-related incident is damage control. This may include sending lawyers and a response team to a ship where an assault has occurred. Their role is to contain the damage to the cruise line rather than to deal with the victim's complaint.² I have heard from victims that dealing with the cruise line personnel is at times worse than the actual assault. I have also been told by victims that having to stay on the ship where the assault occurred is a painful experience onto itself.

If the complaint goes forward after the cruise is over then the victim is likely to be further victimized by the tendency for cruise lines to "blame the victim" for their own victimization. A good example is the defense used by Royal Caribbean Cruise Line's in

² Douglas Frantz, in "On Cruise Ships, Silence Shrouds Crimes," *New York Times*, November 16, 1998, describes the pattern of response that was common at that time. Based on examination of court records and on interviews with cruise line employees, law enforcement officials, and passengers and their lawyers, the article suggests "...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." Quoting a former chief of security for Carnival Cruise Lines, the article goes on: "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."

a lawsuit following the rape of a sixteen-year-old girl in 1995; they suggested the girl's parents were to blame for the rape because they had failed to exercise reasonable care in protecting their daughter. Yet the same cruise line advertised several years later a "New Adventure Ocean Dining Program" under which children sailing on any of the line's could eat dinner with their favorite youth staff. It isn't clear whether the company would accept responsibility if something happened in these cases or whether they would again blame lack of parental supervision.

Preserving Evidence

Once a crime is reported, there are problems with preserving evidence – cabins are routinely cleaned twice a day³, 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. Victims are likely to delay making a report as long as they are onboard because of fear of reprisal and because there is no independent investigator or rape-treatment centre. If these assaults are reported, it is often too late for criminal investigation.

In those cases where a sexual assault is reported in a timely manner, victims and prosecutors have historically been faced with a common practice of 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*⁴ found that in each of five lawsuits against Carnival Cruise Lines 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 Line was settled out of court. I cannot confirm one way or another the degree to which this practice of sending perpetrator home has changed in recent years, if at all.

Shipboard Culture

There are features of shipboard culture that are also relevant to consider. First, is that passengers come onboard a ship believing the cruise industry's mantra that a cruise ship is as safe an environment as one is going to find, and certainly safer than any city in the US. Parents allow their children to explore and enjoy shipboard life, not giving a second

³ In the homicide case of Diane Brimble, a woman who was drugged, sexually assaulted, and who died during the assault, the cruise line (P&O Australia, a subsidiary of Carnival Corporation) reportedly cleaned thoroughly the room where her body had been found, destroying virtually all evidence, but they evicted Ms. Brimble's traveling companion (her daughter) from her room, sealed the room, and disallowed her from removing any of her belongings even though the crime occurred elsewhere.

⁴ See Korten, Tristram. "Carnival? Try Criminal: What happens when a female passenger is assaulted on a cruise ship? Not much." *Miami New Times*, February 3-9, 2000.

thought to risk because the cruise line projects an image that says there is no risk. Adults, as well, let down their guard, relax, and assume that onboard they are safe from unwanted approaches by crew members. Unfortunately, this may not be the case. There are many anecdotes that could be offered, however one may suffice. I was on a cruise ship a number of years ago where the Maitre d' would carefully assign women travelling alone to tables around the dining room and each night would make the rounds hustling these women. Based on the ship's manifest he assumed that economic class was related to the cost of the cabin they occupied and he would focus his attention most on those who he believed had the most money. Whether he assaulted any of these women is unknown, but the behaviour is one that in itself was a form of victimization. It is the type of situation which has led to some women traveling alone (and there are anecdotes to support this) choosing to avoid the dining room and taking their meals through room service. It is worth noting that the Maitre d's behaviour was well known among shipboard staff and officers and was a source of entertainment – others wondered who and how many is he going to sleep with on this cruise.

Shipboard culture also includes consumption of alcohol. There are many cases of assault where the victim was plied with alcohol before an attack (including under-aged passengers), or where the victim became inebriated on their own and with reduced defenses were assaulted. This isn't an indictment of alcohol and bars, but simply reflects a risk that is inherent in the ship's culture. Passengers on vacation, out to have a good time, have furthest from their mind the need to protect themselves from unwanted overtures from crew or officers. And the cruise line, again, encourages them that there is nothing to be concerned about.

One other relevant issue around shipboard culture and life is the fact that crew members live onboard, work long hours (in many cases 77 hours per week or more), and have limited opportunity for time ashore. The ship is their home and as in any small community a hierarchy exists. Assault involving crew-on-crew or officer-on-crew in many cases (like any sexual assault) are crimes involving domination and exercise of power – supervisors exploiting those they supervise; officers assaulting those who they know are unable or unlikely to lodge a complaint. The dynamic of these relationships is hard to get a handle on, but one female crew member who worked at a Purser's Desk provided me some insight. She explained her consensual relationship with the ship's Chief Engineer as her strategy for remaining free of assault – as long as she was in the relationship, she said, others lower in rank than the Chief Engineer would not harass or assault her. Those for whom she needed to be concerned was narrowed to a very few.

Community size

Community size is often considered a variable in the occurrence of sexual assaults. Small, rural communities often have rates considerably lower than large cities and the US as a whole. The figures we discussed earlier place a cruise ship with an onboard population of 4000 or 5000 people on the same plane as large US cities. I posit if we compared assaults on cruise ships with occurrences in towns and communities of

comparable size, that the rate on cruise ships would be even greater relative to “off cruise ships” than the data suggests.

Conclusion

Some may be tempted to argue with my conclusions regarding how much more at risk of sexual assault a person is on a cruise ship as compared to on land, however, whether one is 10% more likely to be sexually assaulted on a cruise ship or twice as likely isn't the issue. The numbers indicate that the cruise industry has a problem and they appear either unwilling or unable to deal with it. Placed in context, the issue of sex-related crimes onboard cruise ships was pushed into the national media in 1999 after Carnival Cruise Lines admitted in discovery hearings to receiving 108 complaints of sexual assault (including 22 rapes – 16 rapes of passengers by crew and 6 rapes in which one crewmember assaulted another) in a five year period; Royal Caribbean International indicated it had received 58 complaints in the same time period.

Apparently to improve the industry's image, four companies (Carnival Corporation, Royal Caribbean Cruises Limited, Crystal Cruises, and Princess Cruises) signed a letter in July 1999, under the auspices of the International Council of Cruise Lines, pledging zero tolerance of crime and a commitment to report all crimes involving U.S. citizens to the FBI. While the pledge is laudable, it appears that the commitment was focussed on how cases of rape are handled once reported; it obviously does not reduce the risk of assault, or to make reporting an attack easier. And it ignores that citizens of other countries also have rights – if a Canadian is assaulted it would technically not need to be reported to anyone and the cruise line could still claim its actions are consistent with its zero-tolerance pledge.

It is now eight years later and the problem of sex-related crimes on cruise ships continues to be a problem. It also appears from the stories of victims that the commitment to report all crimes on cruise ships has been forgotten or lost. The industry's inability to control itself suggests that legislative action is sorely needed in order to protect Americans against crime on cruise ships.

Another emerging issue is the disappearance of passengers (and crew members) from cruise ships. Unfortunately, the best data set of these events (see Table 2) is one I have developed based on passenger and media reports. I would hope in a short time that we will have a more comprehensive and accurate accounting of these events as well as of sexual assaults. Without accurate information we cannot adequately address the full breadth and scope of the problem.

Thank you for this opportunity to share my expertise and insights. I hope I have assisted the Committee in its deliberations and welcome questions and/or consultations as may be viewed as helpful.

