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Keeping Children Safe: *Challenges for the Gaming Industry*

For nearly a decade, Las Vegas, Atlantic City, Biloxi and other centers of the nation's gaming industry, have been portrayed by travel writers and others as family destinations. From white tigers to theme parks to magic shows, new family-oriented attractions appeared, making casino communities much more interesting and entertaining for children. As a result the numbers of children visiting these communities have soared. By 1999, in Las Vegas alone, 12% of the 33 million visitors were underage.

On National Missing Children's Day, May 25, 1997, Sherrice Iverson, a 7-year-old child, was brutally raped and murdered in the restroom of a Nevada casino, and the eyes of the nation turned to the gaming industry. Investigative reporters brought hidden cameras into Atlantic City casinos, producing segments for ABC's "20/20" and for local television as well, showing young children wandering casino properties seemingly unnoticed and unattended. These programs aired disturbing scenes of five-year-olds rolled up in blankets, asleep in the hallways of casino properties at 1 a.m., while their parents gambled nearby.

There was a loud public outcry, and a demand that something be done. Your industry responded, and in fact, led the way for other industries. The American Gaming Association joined in an extraordinary partnership with the National Center for Missing & Exploited Children (NCMEC) to meet this problem head-on and do something about it.

Frank Fahrenkopf, Jr., President & CEO of AGA, made the gaming industry's position clear. In a 1998 press release, he said, "the casino gaming industry is fully committed to increasing the awareness level of this serious issue and doing everything it can to keep children safe. Although parents have the ultimate responsibility for their children, it is also our responsibility as an industry to make sure our patrons are safe, especially children, when they visit our properties."

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The results are very positive.

Your industry has taken a bold

step forward, a step that has

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and are prepared.

Together, AGA and NCMEC launched a national campaign. Working with industry leaders, we produced model guidelines for your properties, posters and brochures for display and distribution in hotel, casino and other public locations reminding parents of their responsibility for their children, and we conducted a series of training seminars to make sure that every property had necessary policy in place, that personnel knew what to do, and that this industry was ready. The campaign had remarkable success, made an entire industry better prepared and more family friendly, and most importantly, made children safer.

However, we did not intend it to be a one-time effort. The steps we took in 1998 must be continued, practiced, refined and must be an ongoing part of the policy and readiness of every property every day. So, today, I return to Atlantic City to review what we did together, to assess where we are, and to challenge you to do more.

To begin, let's review what we did and why we did it. First, some context. This is certainly not a problem that is unique to your industry. It is faced by many industries — shopping malls, retail stores, and entertainment centers. Yours is an industry with the finest, most advanced security personnel and systems in the world. So, the opportunity for success was very high.

Similarly, this was not a new problem for NCMEC, though thinking about the particular vulnerability and exposure of the gaming industry was new for us.

Seven years ago, we worked with Wal-Mart to develop Code Adam, the in-store security program implemented in all of its 3,000 stores. If a child is separated from his or her parent in a Wal-Mart store, there is a plan in place. The parent alerts a Wal-Mart employee. Wal-Mart announces Code Adam over the public address system, and trained employees scatter to perform a wide array of roles. Some employees help the parent search the store for the child. Other employees stand guard at the entrances and exits of the store. The police are notified. Through Code Adam, Wal-Mart has already interrupted six abductions in progress. Because of Wal-Mart's leadership, today Code Adam has been implemented by Kmart, Home Depot, Toys R Us, Nordstrom, Office Depot, Albertson's, and dozens of other companies. More than 27,000 retail stores are Code Adam participants, and the number is growing daily.

We worked with the hospital industry to address the security of infants in nurseries and birthing centers. Over the past ten years, we have trained more than 55,000 hospital security directors, administrators and nursing staffs, and done site visits to more than 840 hospitals. The results: the abductions of newborns from hospitals and birthing centers

in this country declined more than 80%, including one year, 1999, in which for the first time ever, there were zero infant abductions from the nation's hospitals.

Since we began to work with AGA, we have conducted joint seminars for your industry in Las Vegas, Biloxi and Atlantic City. AGA produced and distributed posters and flyers. Your companies have reexamined their policies, and conducted new training for employees. In Atlantic City, thanks to the extraordinary leadership of New Jersey Casino Control Commission and your companies, comprehensive new policies have been promulgated. The results are very positive. Your industry has taken a bold step forward, a step that has sent a message that you care and are prepared.

Yet, you must not become complacent. You must not assume that this cannot happen to you. The way to minimize this problem is to take it seriously, put the right kinds of policies in place, and prepare.

When we began this partnership, there was a simple logic for our efforts together, and I submit that these premises are even more applicable today:

- More children than ever before are coming to your properties; As noted earlier, the latest data suggest that underage visitors comprise at least 12% of the visitor population of Las Vegas, double the 6% in 1995.
- Because gaming is “adult entertainment,” some of the parents who bring their children will not adequately supervise them.
- Children who are not supervised are at heightened risk.
- Facilities with unsupervised children can become magnets for those who prey upon children.

Thus, it is imperative that that each one of your companies do five things:

- Provide notice to parents of their responsibility;
- Develop clear, appropriate policy to recognize and deal with unattended children situations
- Train personnel
- Have a clear, rehearsed response plan with somebody in charge, and
- Audit compliance – Monitor, rehearse, test and make sure that people actually do what they are supposed to do.

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Perhaps the toughest element of such a plan is that you have to be willing to eject patrons who refuse to handle or supervise their children. I know that is tough. All of us believe in the age-old maxim that “the customer is always right.” But, here, they may not always be right. If the policy is going to work, it has to be enforced.

That’s the logic. That’s the plan. The good news is that it is not expensive, and small properties can do it just as efficiently and effectively as big properties. **BUT EVERYBODY NEEDS TO DO IT!!!!**

Let me review the AGA Guidelines, adopted by the AGA Board of Directors in November 1997, which I hope are posted in every one of your properties.

- Local curfews and laws are to be posted in public areas; and hotel guests traveling with minors will be informed of these laws.
- Employees working in appropriate areas will receive training in handling situations involving unattended children, underage gambling and alcohol and tobacco consumption or purchase.
- If a child or minor appears to be without appropriate supervision or in violation of local curfews or laws, security or appropriate personnel will be contacted and will remain with the child while reasonable steps are taken to locate the parent or responsible adult on property or by telephone. If efforts to reunite the child or minor with the parent or responsible adult are unsuccessful, security personnel will contact an appropriate third party, such as the police department or department of youth services and release the child or minor to their care.
- It is the policy of all AGA member companies to adhere to all laws and regulations regarding unattended children, underage gambling and consumption and purchase of alcoholic beverages.

Liability

At each of our three seminars, I was asked “are we legally liable?”

Let me review the basic law. Your exposure is based on traditional premises liability. Thus, normal standards for negligence apply. There must be a duty of care imposed on the operator of the premises; that duty must have been breached; the breach must be the proximate or legal cause of an injury; and the plaintiff must have suffered damages.

Under most state law, operators owe invitees the “duty to use reasonable care to keep the premises in a reasonably safe condition for

use.” The best way to meet your duty of care is to provide high quality training for your personnel, adequately supervise them, and maintain strong, effective visual monitoring. The duty of care extends to protection against third party intervenors only when there is a “reasonable foreseeability of the third person’s action...” Foreseeability is determined based on either similar crimes in the near vicinity; or all circumstances present.

Thus, arguably, any casino operator who has notice of any personal crimes committed on their premises, or personal crimes committed at any other casino, could fall under this standard. For instance, if a child is abused, abducted from or attacked at a casino in the area, all of the other area properties could be considered on notice if the report is circulated in the media. Similarly, if there is a pattern of problems related to unattended children, your properties in the area could be considered “on notice.”

In a famous 1993 Nevada case (Doud v. Las Vegas Hilton), the Nevada Supreme Court held that a hotel’s negligence in failing to provide adequate security created a favorable environment for criminal activity. A proprietor who realized, or should have realized, the likelihood that he was creating a situation where criminal activity would be encouraged, is subject to liability for third party criminal acts committed on his premises.

You can dramatically minimize any exposure to potential civil liability by taking simple, basic, commonsense steps, by recognizing that the presence of unattended children does in fact create a foreseeable element of risk, and by planning to deal with such risks. The best steps you can take to minimize or eliminate any such liability are

- provide notice to parents of their responsibility for their children;
- develop clear, appropriate policy
- train
- have a response plan with somebody in charge, and
- monitor, rehearse, ensure that people actually do what they are supposed to do.

At our seminar in Atlantic City four years ago, after I suggested adopting formal policy and providing training, one of the attorneys present expressed concern about whether implementing these recommendations could establish a higher legal standard and inadvertently increase the property’s liability. My response was that this is no different than any other problem. If you have a new area of potential

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risk, you analyze it, address it, and make sure that your people are trained and prepared to handle it. The alternative is to ignore it, and hope that the courts will decide that you were not liable.

He agreed, but he added, “if we are going to do this, we need to make damn sure that we do it well.” To which, I responded then and respond even more emphatically now, “Amen.” This is not a public relations exercise, it is serious, an area of enormous potential risk. Taping up a poster or sending out a press release are not enough.

How do you deal with an unattended child?

In one of our seminars, a security official used the lifeguard analogy. He said, “we must teach people to look.”

Then, when you find an unattended child,

- contact appropriate personnel
- remain with child
- attempt to locate guardian
- contact appropriate third party

How old do you have to be to be an unattended child? The answer to that question will vary based upon your local or state law. But in New Jersey, the answer was that children 12 or under must be accompanied at all times; and that children 13 – 18 must be accompanied after 10 p.m.

Role of Security

Successful security must be pro-active. It is not enough to simply respond to situations, security personnel must look for people who need help. The hockey great, Wayne Gretzky, used to say that his greatness was not just a product of knowing where the puck is, it is in being able to anticipate where it is going. Similarly, security staff must look for situations, anticipate problems, seek to help your customers, and deal with situations before they become problems.

Don’t just look in and around the casino floors. Perhaps the greatest risk to kids is in the “back of house” areas, away from the casino floors themselves. Thus, every employee must be alert, sensitive and aware. And security must ensure reasonable oversight and supervision in those back of house areas.

Will this generate conflict?

When we began this effort, many expressed concerns that becoming more vigilant and pro-active would create too many confrontations with guests. Yet, after we began to implement these changes, one security director told me that this is perhaps the most positive thing his staff does, and that they are frequently thanked for doing it.

How do we convey this information without being too negative or creating too much fear?

Must we “temper the message?” It is my view that the only way to be effective is to communicate honestly and directly with parents. They must understand that they have responsibilities, that the casino cannot act as their babysitter, and that their failure to do what parents need to do exposes their child to risks.

Overwhelmingly, parents “get it.” Research has shown that the number one concern in the minds and hearts of parents is that their child will be victimized through abduction or molestation. Our messages can be direct and honest without being frightening. However, we should not soften the message to the point that the targets of the message don’t understand what we are saying.

A key element is the frequency of the message. It needs to be conveyed and reinforced. We are trying to change behavior, make people more aware, and ensure that they respond accordingly. Thus, make sure that you continue to display (a) signage at check-in; (b) provide free brochures at check-in; (c) have signage in other parts of the property; and (d) provide brochures in hotel rooms.

Public Relations

Your properties are going to face problems involving unattended children. It is almost inevitable that someday, somewhere, there will be another Sherrice Iverson, or that a child will be abducted from one of your properties. How do you respond from a PR standpoint? I offer the following prescription:

- Put the focus on the child.
- Let the fact that you care come through.
- Demonstrate that you are prepared.
- Immediately notify law enforcement of the missing child.

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offender is as follows: He is male, young (80% of less than 35), seeks legitimate access to his victims, and victimizes large numbers of children.

- Be open and honest with the media, not defensive, not talking about yourself, but keeping the focus on doing whatever possible to find or help the child.

In such cases, the media will often be an ally, and should not be viewed as an adversary.

This is a community crisis, and the media can be a casino's best friend.

Should a child be abducted or disappear:

- call the police first;
- act quickly;
- have a plan;
- have rehearsed your crisis response;
- tell the truth;
- show genuine concern for the child; and
- treat the media as part of the team.

If you do that, you can turn a very negative situation into a positive PR experience.

The Greatest Risks

The greatest risk comes from adult sex offenders who seek legitimate access to children. According to the FBI, just 1 – 10% of cases of child molestation are ever reported to the police. So, it is safe to assume that if your property has a large problem with unattended children, there are cases you do not know about.

Millions of Americans do not realize that children and youth are the single most victimized segment of the U.S. population, victims of violent and personal crime at a rate twice as high as the general population. There are more than 250,000 registered sex offenders in the United States, and the majority of the victims of sex offenders are kids. According to a study performed by the National Center for Victims of Crime, 61% of rape victims are less than 18, 29% less than 11.

The profile of the typical sex offender is as follows: He is male, young (80% of less than 35), seeks legitimate access to his victims, and victimizes large numbers of children. These acts are not lapses of judgment, for the most part, they are a lifestyle. A study of convicted

child molesters funded by the National Institute of Mental Health found that the typical offender victimizes an average of 117 different children during his lifetime.

So, if there are unattended children, your property will become a magnet for adult predators seeking easy, unfettered access to children. Thus, recognizing the risks, your company should be alert to suspect behavior. You should document and record, building a record of your contacts with individuals and making a record of all suspicious behavior. You should designate a lead person. Have someone in charge, someone responsible for managing your company's plan. And, if you see something suspicious or have a problem, notify the police.

Here are some scenarios to watch for:

- A child who was alone and is now in the company of an adult
- An adult who asks a child for assistance of any kind
- A child who appears hesitant, nervous, or is visibly upset
- A child who complains of being bothered
- An adult who is taking pictures or videotaping children, especially if the children seem unaware

There are proactive measures that you can and must take. Do a risk assessment of your property. Develop and implement a critical incident response plan. Do meaningful background screening on your own employees.

AGA and NCMEC built a plan on this difficult problem, provided materials, offered technical assistance, and your industry has responded magnificently. However, it only works if everybody does it. If only one property participates in a serious way, it might make that property less vulnerable, but it may only move the problem next door to the property that declines to participate.

Once again, let me express my thanks and sincere congratulations to your entire industry. You responded to an outrageous tragedy and a significant challenge in an aggressive, meaningful, serious way, and it has truly made a difference.

Yet, my challenge to you today is to do more. Do not let up. Do not believe that just because our public awareness campaign has been successful and that the media is currently looking at other issues that we can feel that the problem is solved and we don't have to think about it anymore. We must continue to "teach people to look." We have made great progress, but we have only just begun.

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