

Carnivals: Law Enforcement on the Midway

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By planning ahead for carnivals, administrators can avert many of the problems that they pose to law enforcement.

For most people, carnivals conjure up pleasant thoughts of fun and games, cotton candy, amusement rides, and side-shows. Law enforcement officers, on the other hand, often think of the dust and dirt, long hours, lost children, rowdy teens, intoxicated individuals, blaring music, and blinding lights. Their superiors find themselves concentrating on the costs of policing carnivals and the personnel shortages they cause.

Despite the pressing problems they raise for law enforcement, carnivals have their place in American culture. Carnivals have been in existence since 1893 as an offshoot of the Chicago World's Fair. They have endured the last 100 years and will continue to do so. This article unveils the "carnie's" world. It looks at the behind-the-scenes operations of owners and operators and suggests ways for law enforcement personnel to protect citizens, and themselves, from becoming victims on the midway.

NOT A NICKEL-AND-DIME BUSINESS

It might be easy to think of carnivals as nickel-and-dime businesses, but this myth could not be farther from the truth. The more than 700 carnivals operating in North America sell about 2.5 billion ride tickets annually.¹ In 1995, one of the leading carnivals alone drew over 6.5 million people to its midway in just seven dates; another carnival, playing just three dates, attracted 3.7 million patrons.² Obviously, the gross receipts generated by this form of outdoor entertainment amount to more than just spare change.

THE CARNIE'S WORLD

Operations

Rides, games, food concessions, and sometimes shows make up a carnival. With the smaller carnivals, owners hire employees to run the rides, operate the games, sell the food, and put on the shows. Larger carnivals commonly use independent contractors or agents to supplement the operation. These contractors or agents pay either a daily flat fee or a percentage of the gross receipts to the carnival owners. Also, individuals who own a single game, which they run themselves, or several games, for which they hire others to run, can contract with the carnival owners.

Equally confusing is how carnivals book their playing dates and chart their touring routes. For the shorter dates with few anticipated attendees, a carnival can be divided into two or more smaller units so that it can play different locations simultaneously. When a longer date that promises huge crowds is scheduled, the entire carnival will come together to operate as one unit. Or, two or more carnivals will combine, along with individual operators adding their rides, games, concessions, and shows.

For county and state fairs, a carnival owner or an individual may hold the contract with the fair board to supply all or a portion of the rides, games, or food concessions. The one who holds the contract also can deal with others to run these operations.

Then there are the carnivals sponsored by local civic clubs or churches. For these events, the club or church members may run some of the booths, games, and shows, while contracting out the rest.

Chain of Command

The different combinations of owners and operators make it difficult for law enforcement to determine who to hold accountable for violations of the law. Compounding the problem is a carnival's chain of command.

A carnival, like any business or organization, has an operating hierarchy. At the top sits the carnival owner, who sets the playing dates and touring routes, arranges the advertising, makes the deals with fair boards and sponsors, and oversees the bookkeeping.

Next in the chain of command are the ride supervisor and game supervisor who oversee the daily operations of the rides and games and their operators. They also collect the daily rent or percentages from the games' operators and rides not owned by the carnival.

A person known as the "patch" settles all complaints or problems that arise between carnival personnel and patrons or the police and reports directly to the owner. When trouble starts, the patch responds and makes the decision on how to resolve the dispute. This can involve giving an angry, vocal game player who feels cheated a stuffed animal or returning some of the money lost. The patch also may try to offer free refreshments, ride passes, or stuffed animals to police officers patrolling the grounds.

Privileges, Percentages, and "Dings"

Independent game and ride owners pay for the opportunity to operate with the carnival. A ride owner gives a percentage of the daily gross receipts to the carnival,³ while the game owner pays a daily fee, rain or shine, known as "privilege." The location on the lot and the footage of the trailer or tent determine the amount of the privilege. Owners of games located on the right side of the carnival midway, toward the front, pay a higher privilege than those located in the back lot, the least expensive place.

For example, one game owner at the 1995 Florida Mid-State Fair paid a privilege of \$1,600 per day for a total of \$17,600 for the 11-day run. He operated a bushel basket game from a 20-foot trailer. The owner charged \$3 to \$5 per play.⁴ Just to pay his privilege for the run of the fair, the owner needed 3,520 plays at \$5 each from patrons.

Game, ride, and concession owners also pay additional fees, known as "dings," to the carnival. Dings guarantee a good spot on the carnival lot, get the electricity hooked up, and allow operators to run a nonwinning game. Dings also provide "fuzz" money to the patch, who use it to handle patrons' complaints or to have available for gifts for politicians or fair board members.

Carnie Traits

Carnies exhibit some common traits. Most enjoy their line of work and readily talk about their love for travel and the excitement associated with a carnival. They are a close-knit people and clannish, slow to accept outsiders, let alone trust them.

Some are born and raised as carnies; others just wander onto the lot and never leave. Some spend their entire lives working for a carnival; others simply stay a week or two before moving on. The carnie's

relationship with local police varies. Some carnival workers think the police are not very bright, referring to them as "town clowns." Many carnival employees, however, respect the police and are quite friendly toward them.

When dealing with carnies, officers must remember that carnies are persuasive talkers who can be very convincing. Many carnies are bullies who can intimidate people, and this trait may carry over to their dealings with the police. Above all, carnivals do their best to keep their employees out of trouble, which translates into covering up for them when they are questioned by the police or not reporting criminal activities to the police.

POLICING THE CARNIVAL

Policing a carnival does not begin when the trucks cross the town limits. Nor can a police department permit any carnival to police itself. Police departments need to plan ahead for a carnival's arrival in order to be ready when the first patrons arrive at the gates. In many ways, preparing for a carnival is similar to preparing for any other type of special event. Departments need to assemble a team of officers who will be working the carnival both in uniform and in plain clothes. When assigning officers to the detail, supervisors should select those who are friendly, courteous, patient, and helpful.

Supervisors also should create a layout of the grounds to include the midway, parking lot(s), perimeter fences, all entrances and exits, and sites where alcoholic beverages will be sold. With the layout, they can designate patrol areas and determine the number of officers to patrol each area. All officers working the carnival detail should receive a diagram of the midway and the designated patrol areas and assignments.

Arrangements should be made with the local fire department and ambulance service to have rescue equipment on site while the carnival is in town. Anticipating a possible emergency is better than not being able to respond rapidly should one occur.

If possible, an officer on the detail should visit the carnival if it is playing in a nearby jurisdiction. It is advantageous to know what to expect before the carnival arrives. This officer should look over the layout, watch the games in action, observe the carnies at work, and identify the ride, game, and concession supervisors and the patch.

Carnivals require police departments to take uncustomary steps. For example, the officer heading the carnival detail should ask the local prosecutor to assign a specific individual to work with the department on carnival game fraud.

On with the Show

While the carnival is setting up, the officer in charge of the detail should meet with carnival owners or supervisors to inform them of the department's policing plans and tactics during their stay. At this time, this officer needs to make arrangements with the owner or supervisor for a location on the midway to be used as a police command post, which will be staffed at all times while the carnival is open. The command post serves as a first-aid station, a place to take lost children, and a rest area for officers assigned to the detail. It should be centrally located and easily accessible, with signs strategically placed on the lot advising of its location.

During this meeting, carnival management should produce all needed documentation, e.g., licenses, permits, proofs of insurance, and ride inspection certificates. A date and time also should be set for the

inspection of games and rides by police officers and the member of the local prosecutor's office assigned to the detail.

Game Inspection

Two officers are needed to do the actual inspections, while another officer videotapes the entire process. The game supervisor or patch usually accompanies the team, although uninvited, to explain how the games work. The prosecutor office's representative should accompany officers on game inspections so a judgment on the legality of a game can be made on the spot, not after an arrest has been made or the carnival has moved on.

During the inspections, officers need to document the location of the game on the midway, the operator's name, and the date and time of the inspection. Then, they should have the operator explain the game to them and show them where the rules and trade-up formula for patrons are posted. Officers need to know which prizes can be won and how, as well as the formula the operators use to allow patrons to trade up prizes.

Once this is done, the operator must demonstrate the game from the player's position, not from behind the counter. At this point, officers should be able to determine the type of game being played-skill, nonwinning, or gambling.⁵ If it is a gambling or a nonwinning game, the inspection team should forbid them from opening.

If officers determine that the game involves skill, they need to inspect all the props used, e.g., rings, balls, darts, targets, etc. They must ensure that players can win the game. Do all the rings fit over the blocks? Do all the balls fit through the hoops? Can the targets be knocked over? Can the darts break the balloons? Is there a proportionate number of winning possibilities when compared to losing ones?

Depending on the type of game, inspecting officers may have to play it to determine if anyone can win. If this is the case, they need to play from all positions and use as many different game props as possible.

Once satisfied that the game is one of skill, one of the inspecting officers should explain to operators that the rules and props cannot be changed or altered, that they may not move to another midway location, and that they must operate the game as it was explained and recorded during inspection. This officer also needs to caution operators that they will be watched and possibly reinspected if patrons complain about the game and that they cannot give credit and free plays to patrons.

Ride Safety

Carnival owners and law enforcement officers share a mutual concern as to the safety of the rides. Unfortunately, very few law enforcement officers are capable of determining if a ride is safe to operate, thereby putting the safety issue in the carnival's hands by default. If asked, carnival employees say that their rides are inspected on a regular basis. Law enforcement needs to make every effort to ensure that this is true.

The inspection team should look at the inspection certificates for each ride. An officer also should contact the state carnival safety board, if one exists, regarding the safety record of that particular carnival and the rides that will be in operation.

As a whole, carnivals do their best to maintain their rides in safe running order because one major incident could put them out of business. Yet, accidents do occur. According to a representative of an

insurance group that underwrites insurance for carnivals, employee or human error causes 90 percent of all accidents on carnival rides, and employee-related accidents peak in August as operators become more tired and less attentive.

Statutes and Ordinances

The officer in charge of the carnival detail needs to research and compile all state, county, and local ordinances, statutes, and laws pertaining to carnivals and their operations. These documents should be photocopied and made available to officers as they work the detail. If questions arise, it is best to ask the local prosecutor for an interpretation. Sometimes, a department needs to work with the local governing body to enact local ordinances, if none pertaining to carnivals and carnival games exist in its jurisdiction. When enacting ordinances, particular attention should be given to forbidding gambling and nonwinning games and making the posting of all game rules mandatory.

A local license or permit requirement that allows the police free access to carnival grounds, booths, concessions, and games at all times while the carnival is open also is advised. Although only local ordinances, they give the department the needed authority to control what games are permitted and to avoid subsequent confrontation and debate with carnival personnel.

PATROL AREAS AND ASSIGNMENTS

By opening day, all officers working the carnival should have a diagram of the midway and their designated patrol areas and assignments. Police presence is required on the midway; in the parking lots; at entrances, exits, and perimeter fences; and designated sites where alcoholic beverages are sold.

The Midway

As the focal point of the carnival, the midway attracts both honest, fun-loving patrons and those who use it to create havoc or commit crimes. The rides on the midway designed for teenage patrons tend to be the most common trouble spots. This is where large groups gather, fighting occurs, and drugs commonly are sold and consumed. Gangs also like to walk through the midway in groups, making their presence known to other patrons.

Because of the large number of people who parade through it, the midway becomes the place most frequented by pickpockets. And it is here that police usually find the dishonest ticket sellers and game operators known to shortchange their patrons on a regular basis.

To police larger carnivals, some departments have erected towers on the midway that are staffed by officers with binoculars. These officers can watch suspicious individuals or groups and direct officers on the ground to areas where they are needed.

Parking Lots

Thefts, burglaries, and drug sales often occur in the parking lots. To deter crime here, officers need to patrol these areas, either on foot, bicycle, horseback, or in vehicles. The most appropriate method depends on the police department's capabilities, the size of the parking lot, the lighting, and the road conditions (paved or unpaved). Again, as on the midway, towers might be called for to enhance surveillance efforts.

Perimeter Fences, Entrances, and Exits

All entrances and exits should be staffed by officers at all times. This lets patrons and potential troublemakers know at once of a police presence and might discourage some criminal activity. Officers especially should be alert for intoxicated individuals, patrons bringing in alcoholic beverages, and known troublemakers.

Along with stationing officers at entrances and exits, the police should patrol the perimeter fences, through which drugs frequently are sold and purchased. Patrolling this area also deters individuals who may not want to pay the admission price or patrons previously expelled from the grounds from gaining access to the carnival.

Alcoholic Beverage Sites

The designated areas where alcoholic beverages are sold and consumed obviously require constant police attention. Officers should be on hand to remove intoxicated patrons from the grounds before they can cause problems or disturb others. Officers also need to watch the exits and entrances of these designated areas to prevent patrons from carrying alcoholic beverages to other parts of the carnival grounds.

Other Areas

Officers can be assigned to the carnival's office trailer, which usually contains large amounts of cash. Although carnival personnel usually watch over this area, an officer assigned here at closing time is a well-advised added security measure. This officer then should accompany the individuals responsible for the bank deposit as they leave the lot.

ADVICE TO ADMINISTRATORS

Depending on the length of the shifts worked and the dates of the carnival, officers on the detail can become weary after only a few days. To alleviate some of the debilitating effects of working a carnival, officers should rotate assignments two or three times each shift. Officers can relieve one another on the entrances, exits, and perimeter fences; the command post; the midway; and the parking lots. It also is advisable to divide the plainclothes assignments among all officers, so that each officer on the detail has the opportunity to work both in uniform and in plain clothes.

ADVICE TO OFFICERS

To make working a carnival more comfortable and safe, officers should:

1) Wear body armor at all times 2) Use sunblock and wear a hat and sunglasses 3) Consider brown-bag meals to avoid midway food 4) Take breaks, drink plenty of liquids in hot weather, and rest during allotted times, and 5) Avoid fraternizing with carnival people to dispel any notion of improprieties that may arise.

Officers will be attending to all types of victims during their shifts; they need not become victims themselves.

CONCLUSION

A carnival is a world unto itself, a world that in most instances is unfamiliar to the police. Yet, law enforcement cannot afford to allow carnivals to police themselves. It must ensure strict adherence to all

local, county, and state ordinances and statutes by conducting a thorough check of all licenses, permits, insurance, and inspection certificates. Failure to do so can place citizens of all ages in jeopardy.

Few can resist the call of the midway. But amid the rides, games, and sideshows lurks the potential for danger and criminal activity. Law enforcement agencies need to know what must be done to protect citizens and themselves from becoming victims on the midway. And, the time to prepare for policing a carnival is now, not when the carnival rolls into town.

Endnotes

1 Michael Kates, "Carnival Turns Empty Lot into Magic Kingdom," Chicago Tribune, July 5, 1992. 2 "Carnivals Playing the Top 50 Fairs," Amusement Business Magazine, December 18, 1995, 27. 3 Ride owners can pay up to 50 to 60 percent of their gross directly to the carnival. 4 Interview by author with game owner, Florida Mid-State Fair, March 1995. 5 Carnival games can be divided into four basic groups: 1) Nonwinning, where the player has little or no chance to win; 2) gambling, where the player has little or no control over the outcome in games of chance; 3) skill, where the player must accomplish a specific feat to win; and 4) two-way, where the operator controls a game that can be played as a skill or non-winning game.

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