

ROAP 2014 Points of Emphasis

Encourage the Use of Technology for RCI Database, InCompass, etc. by all Stewards and Judges.

- The job responsibilities of a Steward and Judge can be conducted more efficiently through the use of computers and the Internet. ROAP purposefully advocates that all Stewards' and Judges' offices and stands have one or more Windows-based personal computers with reliable Internet access. At least one, if not all, of the Stewards and Judges should have basic computer skills including Microsoft Office. Each office and stand will need a color printer. A digital recorder is also essential for recording hearings, testimony and important conversations for easy access and transcription.
- Each of the Stewards' and Judges' should have an active e-mail account which they check on a daily basis. Stewards/Judges should also consider having smart phones upon which they can access e-mail and the Internet.
- With up-to-date computers and the necessary skills, the Stewards and Judges can more efficiently issue hearing notifications, rulings, procedural memorandums, daily reports and other documents and communications required by the Commission. Templates can be developed to readily produce these documents and communications. Computer files can also be created for all of these documents and communications for easy access, printing and as historical records reducing the need for hard-copy files.
- With Internet capabilities, the Stewards and Judges can access the ARCI Online Database www.arci.com where the license and rulings history of an applicant for an occupational racing license can be checked to see if he/she is in good standing, or is currently suspended, or has prior rulings that might make that person ineligible for a license in the issuing jurisdiction. This should be mandatory in every jurisdiction before anyone is approved by the Stewards and Judges to receive a new license or a license renewal. When a licensee commits a rule violation, the Stewards can check his/her past rulings which should always be utilized as extenuating circumstances, either mitigating or aggravating, in determining fines and suspensions. At least one Steward and Judge should be trained to enter and monitor Stewards' and Judges' rulings in the ARCI Online Database in order to maintain timely reporting, consistency and accurate information.
- The Internet also provides access to the InCompass Race Track Operating System (RTO) www.incompass-solutions.com which is essential for any Stewards' Office to successfully fulfill its job duties and responsibilities. The Stewards will need to have the racing secretary at their track request user ID and passwords for each of the Stewards to have "Stewards" access. This will allow the Stewards to check horse and horsemen activity, past performance information and race charts, monitor Lists (Steward, Vet, Starter, Paddock Judge, and Race Office), run race meet reports, print daily race program proofs, access the Equine ID Database to track injuries and other important information. Tracks should also consider providing one steward, especially a track steward, with "Race Office" access so they can monitor the entry process. In addition, at least one Steward should receive e-mail notifications when an entry clerk over-rides the entry validation process and takes an entry on a horse currently on a Steward, Vet or Starter List. USTA has an equally as sophisticated, high-tech online database and operating system called Pathways and Raceway Lite.
- The web-sites of all the various aspects of the horse racing industry are also an important asset to a Steward and Judge performing his/her daily job responsibilities. www.equibase.com can provide horse and trainer records, race replay videos, entries, historical race charts, condition books, leaders' lists and other statistics. www.horseracingofficial.com is designed specifically for Stewards and

Judges with a variety of industry, educational and research information including a directory with contact information for most all of the accredited Stewards and Judges. www.rmtcnet.com is the web-site for the Racing Medication and Testing Consortium which has virtually everything a Steward or Judge needs to know about therapeutic medications and prohibited drugs in horse racing including a history of recent rulings for medication violations and information on dosages, thresholds, withdrawal times for therapeutic medications commonly permitted for use in the racehorse. The ARCI Model Rules for Flat and Harness Racing are hosted on the University of Arizona Race Track Industry Program web-site at www.ua.rtip.org. Routine access by Harness Judges to www.ustrotting.com is essential for the conduct of their daily business. www.aqha.org is similarly an important web-site for American Quarter Horse racing, as are the web-sites for Arabian, Paint Horse and Appaloosa racing. There are many other web-sites that are useful to Stewards and Judges including the racetrack, horsemen's associations, national and international racing organizations, universities and racing publications. An excellent directory of these sites with hot links can be found at www.jockeyclub.com/default.asp?section=Resources&area=11&report=N.

Understanding the application of the National Uniform Medication Program including the Multiple Medication Violation Program, and how it affects your jurisdiction.

- A new penalty system for North American racing designed to reduce positive drug tests and identify and penalize trainers with multiple medication infractions developed by the Racing Medication and Testing Consortium (RMTTC) has been approved by the ARCI Board of Directors for adoption as a Model Rule.
- Known as the Multiple Medication Violation Program (MMV), the highlights of the points-based MMV system are:
 - A trainer will incur points on his/her licensing record for each medication violation.
 - Points for each medication are based on the ARCI Uniform Classification Guidelines for Foreign Substances and the Penalty Category.
 - Points for violations involving medications not on the newly created Controlled Therapeutic Substances List are doubled.
 - Trainers who incur sufficient MMV points will be required to serve mandatory suspensions in addition to the penalty required for the underlying violation.
 - Mandatory suspensions resulting from the MMV system range from 30 to 360 days.
 - MMV suspensions are additional to any suspensions and/or fines incurred for the underlying medication infractions.
 - The MMV system requires jurisdictions to consider a trainer's medication record in all racing jurisdictions.
 - Trainers will be able to have some violations expunged for clean records over a period of time.
- The tentatively approved ARCI Model Rule for the Multiple Medication Violation Program is as follows:
 - (1) Multiple Medication Violations (MMV)
 - (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the ARCI Uniform Classification for Foreign Substances, shall be assigned points based upon the medication's ARCI Penalty Guideline as follows:

Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A¹	N/A	6
Class B	2	4
Class C	1	2
Class D	½	1

¹ Except for Class 1 and 2 environmental contaminants, *e.g.*, cocaine which shall be determined by the stewards based upon the facts of the case.

- (b) The points assigned to a medication violation shall be included in the Stewards' or Commission Ruling. Such Ruling shall determine, in the case of multiple positive tests as described in paragraph (d), whether they shall thereafter constitute a single violation. The Stewards' or Commission Ruling shall be posted on the official website of the Commission and the official website of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.
- (c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall then subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.
- (d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation.
- (e) The official ARCI record shall constitute prima facie evidence of a trainer's past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.
- (f) The Stewards or Commission shall include all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.
- (g) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in days
3-5.5	30
6-8.5	60
9-10.5	180
11 or more	360

MMP's are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

- (i) Has more than one violation for the relevant time period, and
 - (ii) Exceeds the permissible number of points.
- (h) The suspension periods as provided above, shall run consecutive to any suspension imposed for the underlying offense.
- (i) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and the enhancement based upon the trainer's cumulative points.
- (j) Any trainer who has received a medication violation may petition the ARCI to expunge the points received for the violation for the purpose of the MMV system only. The points shall be expunged as follows:

Penalty Classification	Time to Expungement
A	Permanent
B	3 years
C	2 years
D	1 year

- The MMV Program officially went into effect on January 1, 2014. Stewards should make a best effort to gain an immediate working knowledge of MMV, especially if it has been adopted as a rule in their jurisdiction. More information on MMV with periodic updates can be found at www.arci.com, www.rmtcnet.org, www.horseracingofficials.com and www.horseracingreform.org.

Ensure clear and concise verbal and written explanations of stewards' decisions, daily reports and disseminate to the media through track and/or racing regulatory websites.

- Many racing jurisdictions now disseminate and publish a daily, race day or weekly report of Stewards' and Judges' rulings, actions, activities and decisions. In this time of instant information via the Internet and the call for transparency into the decision-making process of major sports umpires and referees including horse racing, communication is fundamental to the integrity and credibility of Stewards and Judges. Racing fans, handicappers, horsemen, the media and our fellow racing officials around the country and the racing world want to know any and all information that is pertinent to their interests.
- Information that might be included in a Stewards' or Judges' race day report are claims, scratches with reasons, horses placed on lists, horses tested, horses that finish 1-4 with closing odds, Stewards' or Judges' inquiries, objections, bad starts, starting gate malfunctions, non-starters, horses vanned off, horses that did not finish, lost riders, minus pools and any other race day incidents that the Stewards and Judges think are pertinent. Stewards' or Judges' inquiries and claims of foul or objections should include what the Stewards or Judges reviewed, with whom they spoke, their decision, the reasons for making their decision and the applicable rules.
- Stewards and Judges are generally required to post their rulings in prominent locations such as the Licensing, Racing and Stewards' or Judges' offices. Posting on the commission and track web-sites is an effective way to reach owners, horsemen, fans and media.

- In working with the media, Stewards and Judges should understand the protocols established by the commission as to who is authorized to respond to media request. Sometimes it may be the commission public information staff person. When the Stewards and Judges are given the authority to respond to media, they should consider having a spokesperson, usually the presiding Steward or Judge, to avoid mixed messages. Then, time permitting, all three should agree on their position statement to be communicated by the spokesperson. Stewards and Judges should identify the media making the request, perhaps requesting a name, number and press deadline to call back shortly. This will allow time to identify the media, perhaps via the Internet, contact the commission for approval, and agree upon a position statement. Always call the media back within a short time-frame. When appropriate, respond to their questions accurately and completely unless, because the matter is pending a hearing, appeal hearing or court ruling, you are prohibited from commenting or giving information. Be careful with “going off the record” as you have no guarantee your request will be appropriately honored. However, always be responsive to the media whenever possible so the Stewards and Judges position and actions can be accurately recorded. This will, hopefully, keep the media from saying that you had no comment, refused to cooperate or did not return a phone call.

Encourage consistency and uniformity in enforcement of interference rules.

- Most jurisdictions have adopted the ARCI Model Rule 010-035 Running of the Race

E. Post to Finish

(2) Interference, Jostling or Striking

- (a) A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race.
- (b) No jockey shall carelessly or willfully jostle, strike or touch another jockey or another jockey's horse or equipment.
- (c) No jockey shall unnecessarily cause his/her horse to shorten its stride so as to give the appearance of having suffered a foul.

(3) Maintaining a Straight Course

- (d) When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul.
- (e) The offending horse may be disqualified, if in the opinion of the stewards, **the foul altered the finish of the race**, regardless of whether the foul was accidental, willful or the result of careless riding.
- (f) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible.
- (g) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

(4) Disqualification

- (h) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.
- (i) If a horse is disqualified for a foul, any horse or horses in the same race owned or trained by the same interests, whether coupled or uncoupled may also be disqualified.

- The key is determining if, as highlighted in (3)(e) above, the foul altered the finish or outcome of the race. As experienced Stewards know, this can be a difficult decision to make, as each incident may have variable factors to consider. These factors include contact, intimidation, altered course, checked, pulled up, clipped heels, no room, no opening, blocked, herded, forced wide, in tight, accelerating, decelerating, continued to ride, race riding and other terms commonly used by Stewards to explain their decision making process. Being consistent can be difficult as the factors involved in making the decision to disqualify or not are rarely the same.
- Stewards, however, must try to be as consistent as possible. Being uniform in how they go about making their decisions will improve consistency. Hanging the inquiry sign, as soon as, the Stewards know they have an incident that requires review and potentially a decision is the first-step. The jockeys, horsemen and fans want to know that you are looking even if a disqualification is probably not warranted. Race replay videos should be reviewed from all possible angles. Jockeys, patrol judges, starter, outriders should be talked to whenever pertinent. Claims of foul by jockeys and trainers obviously require the same scrutiny.
- A written record of the Stewards' decisions on all inquiries and objections, whether or not there was a disqualification, will certainly help with consistency. The transparency of posting this written description on the Internet will help jockeys, horsemen and fans better understand the decision-making process. Reviewing the race replay video with the jockeys prior to the next race day helps the jockeys recognize all of the factors involved in the process. This also gives the jockeys the opportunity to disagree and often offer constructive comments. Giving trainers and owners the same opportunity to review the race replay videos with the Stewards the next day will certainly help with transparency. The horsemen will begin to appreciate all the factors involved in making these difficult decisions. In addition, Stewards are not always correct, and routine race replay review will help them be more effective and consistent.
- Simulcasting, whereby, a racing fan may see decisions on interference made by stewards at 5 or more tracks in a given day will show the inconsistency between Boards of Stewards across jurisdictions. In order to try to be more consistent across the country, Stewards should avail themselves of the opportunity to watch races and race replays from other tracks, especially incidents of interference and disqualifications. In addition, all Stewards should take the annual ROAP Video Survey of racing incidents, whereby the viewer is asked to make the call on a disqualification for interference. The review of the results of the survey can be educational for Stewards, horsemen and fans. Race replay review at Stewards' Continuing Education Seminars is an excellent way to review, discuss and hopefully, improve consistency among the tracks in that region and nationally.

Understanding Addictive Behavior Treatment Programs available in your jurisdiction.

- Unfortunately, one of the issues that Stewards and Judges face on a regular basis is licensees with behavioral problems – alcohol, drugs, problem gambling, anger management, depression. Often, these licensees appear before the Stewards for rule violations – intoxication, failed breathalyzer or drug test, fighting, disorderly conduct, being obnoxious, insulting a racing official or other conducts detrimental to racing. It is incumbent upon Stewards and Judges to consult the commission, security and track management in order know the applicable laws, commission rules and regulations and track policies concerning these issues.
- Stewards and Judges also need to understand the addictive behavior and counseling programs that are available within their jurisdiction. Whenever possible, horse racing officials, commission staff, horsemen's representatives, Jockeys Guild Reps, track management and security should try to afford

licensees the opportunity to be examined, evaluated and treated by the appropriate licensed professionals. Being proactive as to the availability, location, office hours, costs and available funding for these programs will certainly better equip everyone, especially the Stewards and Judges in making determinations as to the appropriate course of action for a licensee before he or she becomes a threat to themselves, other licensees and the public. Stewards and Judges can also order evaluation and completion of a treatment program before a suspended or revoked licensee can be considered for reinstatement. It is most often better for the individual and the image of the horse racing industry to help those affected by addictions and behavioral problems, than it is to revoke a license, exclude from the track, and potentially cast their problem on the local community.

- The Winners Federation at www.winnersfederation.org is a very good source for information of addictive behavior programs at race tracks in North America. They hold an annual conference on addictive behavior treatment and program administration.