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August 12, 2009

POLICY DIRECTIVE NO. 2-2009

Penalty Guidelines for Inappropriate Urging of a Horse in Standardbred Racing

The Ontario Racing Commission at its meeting of Thursday, May 29, 2009, resolved that the following directive be approved, effective September 1, 2009.

PENALTY GUIDELINES RULE 22.23

Any violation of Rule 22.23, to include subsections 22.23.01, 22.23.02, 22.23.03 and 22.23.04 is an offence and covered by this penalty structure.

Offence	Minimum Fine	Minimum Driving Suspension	Other Penalty
First offence	\$200	3 days	Mandatory meeting with the Judges for the purposes of providing training on the Rules
Second offence within one year of the first offence	\$300	5 days	Mandatory meeting with the Judges for the purposes of providing training on the Rules
Third offence within one year of the first offence	\$500	15 days	Mandatory meeting with the Judges for the purposes of providing training on the Rules
Fourth offence within one year of the first offence		Immediate Suspension	Referral to the Director
For an offence where a driver has driven with both lines in one hand and struck the horse with the whip, the Judges shall place the horse last.			
For any offence where a horse has been cut or severely welted, where the Judges have determined that the cut or welts were inflicted by the use of the whip by the driver, or the person in control of the horse, and where the offence is not already a third offence, the Judges shall consider the offence a third offence.			
Placing of a horse may be considered by the Judges where the misuse of the whip caused interference with another horse or, in the opinion of the Judges, there has been a flagrant disregard for these rules.			

Application of the Guidelines will take into consideration the following:

- 1) This penalty structure provides guidance to Judges as to minimum penalties for inappropriate urging of the horse.
- 2) The penalty structure is progressive in nature, irrespective of which of the encompassed rules are violated.
- 3) In determining whether a violation of the rules has occurred or in assessing penalty, Judges may consider mitigating factors in exceptional circumstances. An example of conduct that may be viewed as a mitigating consideration would be striking a horse to prevent inevitable harm to another driver, horse, participant or patron.
- 4) In assessing penalty, Judges may also consider aggravating factors, such as the licensee's history of violations pertaining to inappropriate urging of the horse (which offence/s occurred more than a year before the subject offence).
- 5) If the offence is sufficiently egregious, the Judges may depart from the penalty structure and impose higher penalties than those enumerated in the chart above.
- 6) All first infractions of the encompassed rules that occur subsequent to the implementation of the new rules will be treated as a first offence for the purposes of setting penalty, except as noted above for cutting or severely welting a horse.

DESCRIPTION OF TERMS

This Policy was established to provide more description of what constitutes an offence under the Rules regarding inappropriate urging of the horse in Ontario racing:

Indiscriminate action means unrestrained or careless activity without regard for safety or care.

For the purposes of Rule 22.23.01 (a), the following are examples of indiscriminate action but do not constitute an exhaustive list:

- a. use of the whip in any manner between the hind legs of the horse
- b. loose lining or driving the horse so as to not have control of the horse
- c. kicking the horse
- d. striking the horse with the butt end of the whip; or
- e. punching the horse.

Excessive action means unreasonable quantity or degree.

For the purposes of Rule 22.23.01 (b), the following are examples of excessive action with respect to inappropriate urging of the horse but does not constitute an exhaustive list:

- a. use of the whip when a horse is not in contention in a race;
- b. use of the whip without giving the horse time to respond to a previous application of the use of the whip
- c. use of the whip on the horse anywhere below the level of the shaft of the race bike.

Aggressive action means inhumane, severe or brutal activity.

For the purposes of Rule 22.23.01 (c), the following are examples of aggressive action but do not constitute an exhaustive list:

- a. use of the whip on the head or in the area surrounding the head of the horse
- b. use of any object or stimulating device and/or application; or
- c. leaving any cuts, abrasions or severe welts on the horse caused by the whip;

Loose lining means the indiscriminate action of carelessly lengthening the lines while driving so as to allow the loopy shaking of the lines (i.e. butterfly action) or to permit the arm to swing past a 90-degree angle to affect a wide arch when using the whip or shaking the lines.

Meaningful Position (22.23.02) means the horse has a reasonable opportunity to finish in an advantageous position. Examples of meaningful include, but are not limited to, maintaining qualifying times, receiving points towards future races or earning purse monies.

Confines of the wheels (22.23.03c) means that any part of the whip cannot move outside of a line which runs parallel to the horse from a point prescribed by the outside of the race bike wheel.

BACKGROUND

Under a process established by the Executive Director in the fall of 2008 to gather industry input on the appropriate use of the whip in horse racing, it was recognized that the use of the whip is a necessary tool in racing.

The following principles were agreed to and serve as a guide for all decision making on rule development:

- 1. Ensure the welfare of the horse**
The welfare of the horse is paramount and guides decision making in all matters
- 2. Promote safety for racing participants (including the horse)**
Where the safety of racing participants has been compromised, appropriate action shall be taken
- 3. Create simple, clear and consistent rules (and enforcement)**
To be adhered to or enforced correctly, rules must be written and communicated in a straightforward manner.
- 4. Address customer/public perception and education**
Shifting public sensitivity on the use of the whip in horseracing must be recognized by all industry participants, who must also do their part in educating new fans about the sport.
- 5. Support growth of the customer base**
Racetrack management has identified use of the whip as a barrier to increased customer growth. Participants must be involved, as our industry builds to creating a more desirable product

The outcome of the industry discussion has led to the formation of rules regarding the appropriate methods for urging a horse in racing and changes to driving styles to require a hand in each line for the entire race.

Loose lining: It was stressed by the participants that this change to driving style should not lead to the practice of "loose lining", which means the indiscriminate action of carelessly lengthening the lines while driving so as to allow the loopy shaking of the lines (butterfly action) or permit the arm to swing past the 90 degree to effect a wide arch when using the whip. It was agreed that these would be the type of actions counter to the intent of the rule changes and would present an undesirable product to the wagering public.

BY ORDER OF THE COMMISSION

Original signed

Rob McKinney
Acting Executive Director