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August 12, 2009

**POLICY DIRECTIVE NO. 3 – 2009  
Penalty Guidelines for Inappropriate Urging of a Horse in Thoroughbred Racing**

*The Ontario Racing Commission at its meeting of Thursday, July 9, 2009, resolved that the following directive be approved, effective September 1, 2009.*

**PENALTY GUIDELINES RULE 9.27**

Any violation of Rule 9.27.05, 9.27.06 and 9.27.07 is an offence and covered by this penalty structure.

<b>Races with a purse of under \$100,000</b>			
<b>Offence</b>	<b>Minimum Fine</b>	<b>Minimum Riding Suspension</b>	<b>Other Penalty</b>
First offence	\$200	0 days	Mandatory meeting with the Stewards for the purposes of providing training on the Rules
Second offence within one year of the first offence	\$300	1 day	Mandatory meeting with the Stewards for the purposes of providing training on the Rules
Third offence within one year of the first offence	\$500	3 days	Mandatory meeting with the Stewards for the purposes of providing training on the Rules
Fourth offence within one year of the first offence		Immediate Suspension	Referral to the Director

**Races with a purse of \$100,000 and over**

For any offence that takes place in a race where the purse is \$100,000 or more, the penalty shall be a minimum fine of 20% of the jockey's earnings for placings 1<sup>st</sup> through 5<sup>th</sup> and shall be a minimum fine equivalent to 20% of the jockey's earning for 5<sup>th</sup> place for placings 6<sup>th</sup> and on. If in the opinion of the Stewards, the offence was egregious, a riding suspension may be issued. While discretion is available to the Stewards, the riding suspension should be calculated at 1 day riding suspension for each \$200,000 of total purse money for the race.

For any offence where a horse has been cut or severely welted, where the Stewards have determined that the cut or welts were inflicted by the use of the riding crop by the jockey, the rider, or the person in control of the horse, and where the offence is not already a third offence, the Stewards shall consider the offence a third offence.

Placing of a horse may be considered by the Stewards where the misuse of the riding crop caused interference with another horse or, in the opinion of the Stewards, 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 Stewards as to minimum penalties for inappropriate urging of the horse.
- 2) For races under \$100,000, the penalty structure is progressive in nature, irrespective of which of the encompassed rules are violated. For races over \$100,000 the penalty is aligned with the purse value of the race
- 3) In determining whether a violation of the rules has occurred or in assessing penalty, Stewards 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 rider, horse, participant or patron.
- 4) In assessing penalty, Stewards 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 **or under a different category**).
- 5) If the offence is sufficiently egregious, the Stewards 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 9.27.05 (a), the following are examples of indiscriminate action but do not constitute an exhaustive list:

- a. Use of the riding crop during the post parade or after the wire, except when necessary to control the horse;
- b. striking the horse with the butt end of the riding crop;
- c. hitting the horse with the riding crop in an area other than the shoulders or hind quarters; or
- d. punching the horse.

**Excessive action** means unreasonable quantity or degree.

For the purposes of Rule 9.27.05 (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 riding crop when a horse is not in contention in a race;
- b. use of the riding crop more than 3 times in a row without giving the horse time to respond

**Aggressive action** means inhumane, severe or brutal activity.

For the purposes of Rule 9.27.05 (c), the following are examples of aggressive action but do not constitute an exhaustive list:

- a. use of the riding crop 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 riding crop;

**Meaningful Position (9.27.06)** means the horse has a reasonable opportunity to finish in an advantageous position. Examples of meaningful include, but are not limited to, maintaining times, receiving points towards future races or earning purse monies.

**Giving the horse a chance to respond (9.27.05 Excessive Action)** means limiting the number of strikes applied to a horse in succession, in order to give the horse a chance to respond to the application. The rule requires that riding crop use shall not be continued if the horse is unable to respond or does not respond. The skill of the jockey comes in to play in assessing the horse's ability to continue to respond. The riding crop is one of a number of tools available to the jockey to encourage the horse forward, weight, voice and hand riding being others.

**BACKGROUND**

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

**BY ORDER OF THE COMMISSION**

*Original signed*

Rob McKinney  
Acting Executive Director