

RCI MODEL RULES COMMITTEE
PETITION FOR NEW RULE OR CHANGE TO EXISTING RULE

Please submit this petition to the attention of the Chairperson of the Model Rules Committee at least 45 days in advance of the next scheduled committee meeting. The petition should be sent via email to:

The Association of Racing Commissioners International

rules@arci.com

RECEIVED JULY 21, 2020

All form submissions must be accompanied with an electronic version of this petition (PDF or Microsoft Word), and proposed language must be in Microsoft Word format with redlined language changes. Please see accompanying “ARCI Model Rule Titles, Numbering, and Redlining Conventions”

Your Contact Information:

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A. Brief Description of the Issue

The Use of the Riding Crop has been discussed over the last several years in front of the ARCI Model Rules committee and model rules have been modified to reduce unnecessary use. There have also been changes made to the standards and specifications of the riding crop which have been adopted in most jurisdictions implementing the cushioned, shock-absorbing riding crop. Since that time, there have been almost no cuts or welts causing harm to the equine athletes. However, in light of public perception, some industry groups continue to question the need for the riding crop and have suggested to eliminate or strictly regulate the use of the riding crop.

B. Discussion of the Issue and Problem

The Jockeys' Guild and our members are adamantly opposed to any animal abuse and any person who does so should be fully punished for such occurrences. The safety of both our equine and human athletes is paramount and of utmost importance to the Guild and all jockeys. Any decision that is made with regards to the use of the riding crop must take into consideration not only the safety of the horse and riders, but also the impact on the industry itself, including the owners, breeders, betting public, and the millions of individuals whose livelihoods depend on horseracing.

We support changes that improve the well-being of the horse and industry, but we believe it is important to recognize that use of the riding crop is still necessary for encouragement, communication, and control. The riding crop is a tool that is used not only to encourage the horse, but also helps maintain control of the horse. Riding crops allow the jockey a measure of control over the horse that can be critical in certain situations, some of which are not outwardly visible to the public or the stewards. Proposals for limiting the use of the riding crop for safety reasons increase the discretionary role of the stewards and will result in harsh penalties for jockeys.

We believe the current ARCI Model Rule, if enforced by the Stewards, can allow for proper regulated use of the riding crop. The Stewards currently have the discretion under the existing ARCI Model Rule to impose penalties in the event it is determined that the jockey's use of the riding crop was improper. The existing rule states that a jockey is prohibited from using the riding crop on a horse "when the horse is clearly out of the race or has obtained its maximum placing" or "persistently even though the horse is showing no response under the riding crop." Lack of strict enforcement of the current model rule has led to continued pressure from industry groups to limit riding crop use.

The Guild supports the current ARCI Model Rules regarding riding crop specifications and expects jockeys to only use the riding crop for safety, correction and encouragement. The current rule requires the use of the "pro-cush," "lite-touch," and other riding crops that meet the specifications as outlined in the Model Rule. The Guild believes that the use of the current cushioned riding crop is not abusive to the horse. Today's cushioned riding crop is considered an acceptable aid to horsemanship, to be used as a mechanism for communication, encouragement, and to ensure horse and rider safety. The riders believe today's riding crop is safer for the equine athlete and does not compromise the horse's welfare. Upon introduction of the new riding crop, it was strongly encouraged or mandated that the horses were subject to inspection by a racing or official veterinarian looking for cuts, welts, or bruises on the skin, with any adverse finding being reported to the Stewards. When the approved riding crops have been used in an appropriate manner, the welts and cuts have nearly been eliminated. Furthermore, we believe jockeys at ALL racetracks need to be instructed about the importance of using the approved, unaltered, humane riding crops, as well as the proper use of the riding crop.

With regards to the specifications of the riding crop, there has been discussion amongst some of the representatives to change the current one that is used by the jockeys. There has been new technology and designs that have been recently introduced. Without specifically endorsing a particular product, we greatly commend Ramon Dominguez of Ryders Up 360 GT who has put forth tireless efforts in coming up with a new design of the cylindrical popper, and others who are working on modifications. However, any rule making on the composition of the crop must be done in a thoughtful manner after research and input and considerations from the jockeys. There are many factors that must be considered and evaluated before the changes are to be implemented and made mandatory. We would respectfully request that the riders be able to provide input on any changes made to the specifications. Additionally, we would request that any regulatory changes implemented contain humane specifications and dimensions but still be broad enough to allow for variances for individual jockey preferences. Furthermore, any proposed changes must be evaluated in the "real world" to be able to fully evaluate the performance as well as the effectiveness of such change(s), just as we have done in the past.

With that being said, in the interest of helping address the concerns with regards to the public perception of the riding crop, we are willing to work with the industry to establish a uniform standard that can have the interest of the horse, while still allowing for the rider to use the crop as necessary for the integrity of the sport. As such, the jockeys have met with multiple industry representatives, including regulators from the CHRB, the Kentucky Horse Racing Commission, and the ARCI Rider and Driver Safety Committee, as well as representatives of the Thoroughbred Safety Coalition and the Mid-Atlantic Strategic Planning Group in an attempt to create a uniform rule regarding the use of the riding crop. Additionally, there have been discussions with other regulators throughout the country.

Unfortunately, it is of our opinion that while the use of the riding crop can be further regulated, the proposals by the Mid-Atlantic Strategic Planning Group or the Thoroughbred Safety Coalition are not in the best interest of the safety and welfare of both the horse and jockey, as well as racing in general. The extensive restriction of the use of the riding crop creates increased risks for jockeys and increased discretionary decisions for stewards that can lead to extreme penalties.

Additionally, the penalties as presented by both Mid-Atlantic Strategic Planning Group and Thoroughbred Safety Coalition proposal are excessive and in many instances exceed the authority of the regulators in the respective states. The penalties schedules proposed will mandate grossly disproportionate penalties on the jockeys. The economic impact of these penalties would overly burdensome to the jockeys. We have serious concerns about the stacking of violations within the same race and multiple violations within the same day. As such, there will have to be a method to advise a jockey of a riding crop violation immediately after the race in which the violation occurred so as to prevent accumulation of violations. The Mid-Atlantic's proposal establishes a point system, which to date, has only been proposed to be adopted in West Virginia. However, the point system as proposed will create such severe suspensions for such minor infractions that the Guild is concerned that certain jurisdictions could potentially end up with a shortage of jockeys. There will be several violations as many jockeys have trained instincts to use the crop in certain situations and in a specific manner which goes against what is currently being proposed. This is why the Guild has been requesting that the regulators allow for a "grace period" for whatever changes are made.

C. Possible Solutions and Impact

Any decision that is made with regards to the use of the riding crop must take into consideration not only the safety of the horse and riders, but also the impact on the industry itself, including the owners, breeders, betting public, as well as the millions of individuals whose livelihoods depend on horseracing. The ultimate goal is to establish a standard that is in the best interest of the welfare of the horse, and industry as a whole, including the betting public. The Guild believes that, we as the industry, including our members, the horsemen, racetracks, owners, and the regulators, must reach a mutually agreed upon regulation with regards to the use of the riding crop, that will be safe and humane to the horse, while still allowing the riders to use it in a way that is necessary for encouragement and correction, if needed. It is absolutely essential to create a standard of uniformity for the Use of the Riding Crop that all jurisdictions can adopt. Jockeys travel from jurisdiction to jurisdiction and consistency in the rule is an absolute necessity. It would be our hope that establishing such rule, would lead to a universal riding crop usage. Such uniformity would be in the best interest of the horses, enhance the perception of our industry, and still provide for fairness to the owners, betting public, horsemen, and the jockeys.

The current proposal by the Jockeys' Guild will create a restriction on the use of the riding crop, while still allowing the jockey to use it for safety and encouragement. In our proposal, jockeys would only be allowed to use the riding crop in the overhand position up to 6 times throughout the race, while still being allowed to use the riding crop in the underhand position as necessary for the integrity of the race. The jockey would only be allowed to use the riding crop three times in succession and give the horse a chance to respond.

Please note, the Jockeys' Guild proposal has taken into consideration the use of the riding crop in both Thoroughbred and Quarter Horse races. We have consulted with Thoroughbred and Quarter Horse jockeys when drafting this proposal. However, if the Model Rules committee so chooses, the rule change can apply to Thoroughbred only.

The penalties proposed by the Guild have consequences without being overly excessive or unjust. The penalties are also based on the purse size and are in four categories.

D. Industry Support

Currently there are several different versions being circulated and considered for adoption, including the proposal from the Mid-Atlantic Strategic Planning Group, Thoroughbred Safety Coalition, and The Jockey Club.

Unfortunately, after much review and consideration, the Guild was unable to fully accept the proposals by the respective organizations. We have made several compromises. However, there were two areas that the jockeys believed we were unable to accept. The first was with regards to the full restriction on the use of the riding crop in the underhand manner, as necessary for the integrity of the race. The second was with regards to the draconian penalties that were being presented.

The proposal we have submitted for your consideration has been reviewed and established by the Jockeys' Guild Board of Directors which includes top-level, highly regarded jockeys, including four Hall of Fame jockeys such as John Velazquez and Mike Smith, both of whom serve as the Co-Chairmen, as well as Ramon Dominguez and Javier Castellano. Additionally, Quarter Horse legend, G R Carter, who recently retired but is still very much involved with the Board.

E. Attach the model rule language you are proposing. Please show new language with underlined text. If you are proposing that current model rule language be eliminated, please strikeout the language to be deleted.

E. POST TO FINISH

(7) Use of Riding Crop

(a) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his/her best efforts to ~~win~~ maximize placing.

(b) In all races where a jockey will ride without a riding crop, an announcement of such fact shall be made over the public-address system.

(c) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.

(d) Riding crops shall not be used on two-year-old horses before April 1 of each year.

(e) The riding crop shall only be used for safety, correction ~~encouragement~~ control, and to maximize placing. ~~and~~ The use of the riding crop shall be appropriate, proportionate, professional, taking into account the rules of racing herein. However, stimulus provided by the use of the riding crop shall be monitored so as not to compromise the welfare of the horse.

(f) Use of the riding crop varies with each particular horse and the circumstances of the race.

(g) Except for extreme safety reasons all riders should comply with the following when using a riding crop:

(A) Initially showing the horse the riding crop, and/or tapping the horse with the riding crop down, giving it time to respond before using it;

(B) Having used the riding crop up to 3 times in succession, in any fashion, must give ~~giving~~ the horse a chance to respond before using it again;

i. "Chance to respond" is defined as one of the following actions by a jockey:

1. Pausing the use of the riding crop on their horse before resuming again; or

2. Pushing on their horse with a rein in each hand, keeping the riding crop in the up or down position; or

3. Showing the horse the riding crop without making contact; or

4. Moving the riding crop from one hand to the other.

(C) Using the riding crop in rhythm with the horse's stride;

(D) Limiting the use of the riding crop in any forehand (upward) position to 6 times throughout the race on the shoulder and/or hind quarters; and

(E) The crop may be used in a backhand/underhand manner, or downward position, tapping the horse on the shoulder and/or hind quarters, as necessary for the integrity of the race.

(h) When deciding whether or not to review the jockey's use of the riding crop, Stewards will consider how the jockey has used the riding crop during the course of the entire race, with particular attention to its use in the closing stages, and relevant factors such as:

(A) The manner in which the riding crop was used

(B) The purpose for which the riding crop was used

(C) The distance over which the riding crop was used

(D) Whether the number of times it was used was reasonable and necessary

(E) Whether the horse was continuing to respond.

(i) In the event there is a review by the Stewards, use of the riding crop may be deemed appropriate in the following circumstances:

(A) To keep a horse in contention or to maintain a challenging position prior to what would be considered the closing stages of a race,

(B) To maintain a horse's focus and concentration,

(C) To correct a horse that is noticeably hanging,

(D) To assure the horse maintains a straight course, or

(E) Where there is only light contact with the horse.

(j) Prohibited use of the riding crop includes but is not limited to striking a horse:

(A) On the head, flanks, or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;

(B) During the post parade or after the finish of the race except when necessary to control the horse;

(C) Excessively or brutally causing welts or breaks in the skin;

(D) When the horse is clearly out of the race or has obtained its maximum placing;

(E) Persistently even though the horse is showing no response under the riding crop; ~~or~~

(F) More than 3 times in succession without giving the horse a chance to respond;

(G) More than 6 times in total, with the riding crop in the forehand (upward) position, on the shoulder and/or hind quarters, throughout a race;

(H) From an arm position with the wrist above the helmet; or

(~~I~~) Striking another rider or horse.

(k) After the race, horses will be subject to inspection by a racing or official veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings shall be reported to the Stewards.

(l) All licensees shall use a riding crop as approved by the Commission and it shall be subject to inspection by the Stewards, Clerk of Scales, and/or Outrider.

(~~m~~) The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions.

(n) The Stewards, based on the authority granted by the Commission, depending on the factors referred to above, may impose any of the following penalties on a licensee for violating the rules herein:

(A) Issue a reprimand;

(B) Place the licensee on probation;

(C) Assess a fine;

(D) Require forfeiture of portion of jockey's earnings; or

(E) Assess of suspension of racing or calendar days.

(o) In the event of a violation of the rules in which the Stewards elect to impose a penalty, it will be done based the penalty schedule reference herein.

(p) A jockey cannot receive multiple infractions/violations on the same race card without verbal confirmation of the infraction from Stewards and/or Racing Officials after the running of each individual race that said infraction/violation occurred. Failure of notification will result in only one infraction/violation for the entire race card.

USE OF RIDING CROP PENALTY SCHEDULE

I. Penalties will be separated into four categories:

A. Races with Purses of \$1 Million Dollars or more;

1. No warnings will be provided for first time offense.
2. If the jockey uses the riding crop in the overhand manner exceeding one or two times over the limit (7 or 8 times totals), the jockey will be given a five (5) racing days suspension.
3. If the jockey uses the crop in the overhand manner exceeding three times over the limit (9 or more times in total), the jockey will be given a ten (10) racing days suspension.
4. The ruling issued shall note that the jockey will be allowed to ride in designated races, complying with the regulations in the states regarding such races.

B. All Stakes Races with Purses of \$100,000 up to \$1 Million Dollars;

1. No warnings will be provided for first time offense.
2. If the jockey uses the riding crop in the overhand manner exceeding one or two times over the limit (7 or 8 times totals), the jockey will be given a two (2) racing days suspension.
3. If the jockey uses the crop in the overhand manner exceeding three times over the limit (9 or more times in total), the jockey will be given a four (4) racing days suspension.
4. The ruling issued shall note that the jockey will be allowed to ride in designated races, complying with the regulations in the states regarding such races.

C. All Races Including Stakes Races with Purses Less than \$100,000;

1. FIRST OFFENSE: Verbal Warning by the Stewards at the time of the occurrence. The Stewards shall also have a review of the race with the jockey
2. SECOND OFFENSE:
 - a. If the jockey uses the crop in the overhand manner and exceeds one or two times over the limit (7 or 8 times totals), the jockey will be given the option of a \$150 fine *or* one (1) racing day suspension.
 - b. If the jockey uses the crop in the overhand manner and exceeds three times over the limit (9 or more times in total), the jockey will be given the option of a \$300 fine *or* a one (1) racing day suspension.
3. THIRD OFFENSE:
 - a. If the jockey uses the crop in the overhand manner and exceeds one or two times over the limit (7 or 8 times totals), the jockey will be given the option of a \$200 fine *or* a two (2) racing days suspension.
 - b. If the jockey uses the crop in the overhand manner and exceeding three times over the limit (9 or more times in total), the jockey will be given the option of a \$400 fine *or* a three (3) racing days suspension.
4. FOURTH OFFENSE:
 - a. If the jockey uses the crop in the overhand manner and exceeds one or two times over limit (7 or 8 times totals), the jockey will be given the option of a \$250 fine *or* a three (3) racing days suspension.
 - b. If the jockey uses the crop in the overhand manner and exceeds three times over the limit (9 or more times in total), the jockey will be given the option of a \$500 fine *or* a five (5) racing days suspension.
5. FIFTH OFFENSE:
 - a. If the jockey uses the crop in the overhand manner and exceeds one or two times over limit (7 or 8 times totals), the jockey will be given the option of a \$500 fine *or* a five (5) racing days suspension.
 - b. If the jockey uses the crop in the overhand manner and exceeds three times over the limit (9 or more times in total), the jockey will be given the option of a \$1,000 fine *or* a seven (7) racing days suspension.
6. SIXTH OR MORE OFFENSES: The jockey will receive a suspension of ten (10) racing days for each infraction.
7. The ruling issued shall note that jockey will be allowed to ride in designated races, complying with the regulations in the states regarding such races.

D. All Other Use of Riding Crop Violations.

1. In the event that the jockey uses the riding crop with the wrist above helmet height, a violation of this rule will result in a \$150 fine *or* a 1 day racing suspension.
2. Any other violations of the Use of the Riding Crop Rule, except for safety purposes for either the horse or the rider, such as excessive use not referred to above, including continuing to use the Riding Crop when the horse is no longer responding, will be subject to a maximum of up to a ten (10) racing days suspension.
3. Penalties are subject to an increase as warranted by extreme usage of the riding and violations of the rules herein, subject to a maximum of up to a thirty (30) calendar day suspension.

II. A jockey cannot receive multiple infractions/violations on the same race card without verbal confirmation of the infraction from Stewards and/or Racing Officials after the running of each individual race that said infraction/violation occurred. Failure of notification will result in only one infraction/violation for the entire race card.

III. Riders who incur a penalty infraction for the Use of the Riding Crop may reset the penalty schedule back to zero with 6 consecutive months of non-infraction for the Use of the Riding Crop.

F. Do any racing jurisdictions currently have a version of this rule in effect? If yes, please attach copies of those rules.

The jurisdictions do not have a version of our proposed rule. However, there are a few jurisdictions which have made recent changes to its existing regulation regarding the Use of the Riding Crop.

California- CHRB adopted a regulation in which the jockey may only use the riding crop a total of 6 times and shall only be done in the underhand manner. The penalties state “[a]bsent mitigating circumstances, which includes but is not limited to use of the riding crop for the safety of horse and rider, if a jockey or exercise rider rides in a manner contrary to this rule, the stewards shall impose a maximum fine of \$1,000 and a minimum suspension of three days. In trial heats, the suspension shall include the subsequent related stakes race.” The time for public comment has ended. Additionally, the CHRB has mandated the use of the cylinder foam crop and eliminating the use of the existing cushioned crop.

West Virginia- The original Mid-Atlantic Strategic Planning Group proposal, which did not allow for the use of the riding crop in the underhand position until the ¼ pole or anything else that was included after June 4, 2020 proposal from the Mid-Atlantic Strategic Planning Group. Public comment is to be submitted by July 20, 2020. The penalties proposed create a point system and this is the only jurisdiction to date who has proposed such system.

Maryland- The Maryland Racing Commission adopted a policy that on January 9, 2020, that states:

"A rider will be allowed to strike a horse no more than 10 times during the running of a race, with no more than three strikes in a row. A strike is considered a swing of the crop with the hand off of the rein or a downward strike from shoulder height with the hand on the rein."

However, as of June 24, 2020, Maryland adopted the current Mid-Atlantic Strategic Planning Group proposal. We were advised that this would be implemented starting August 1, 2020. This proposal allows the jockey to use the riding crop in the underhand manner until the ¼ pole. The jockey is allowed to use the riding crop six (6) times in the overhand manner throughout the race, and is only allowed to use the riding crop two (2) times in succession and then must give the horse a chance to respond before using the crop again. The penalties adopted create a point system.

Kentucky- The Kentucky Horse Racing Commission went with the Thoroughbred Safety Coalition proposal, with the exception that the KHRC allowed for the jockey to use the riding crop as necessary for the first 1/8th of a mile from the starting gate and then is limited to 6 times throughout the race in any fashion. Additionally, the jockey is only allowed to use the riding crop two (2) times in succession and then must give the horse a chance to respond before using the crop again. The KHRC adopted the Thoroughbred Safety Coalition’s penalty proposal. We have expressed serious concerns, including Constitutional issues in light of the excessive fines.

G. Review the RCI Model Rules and identify any other Model Rules this change would affect and submit proposed amendments to those rules to comply with changes that would be made by this proposal.

FILING THIS REQUEST WITH RCI DOES NOT GUARANTEE YOUR PROPOSAL WILL BE CONSIDERED BY THE MODEL RULES COMMITTEE. IF YOU HAVE OPPOSITION FROM AN INTERESTED PARTY, YOU ARE STRONGLY ENCOURAGED TO TRY TO REACH CONSENSUS PRIOR TO FILING THIS FORM.