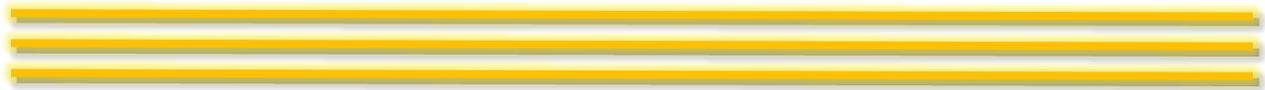




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TIF Reports: Changing the Rules

**Clarity and consistency in the adjudication of
North American racing is possible with a shift
to the Category 1 philosophy**

(abridged version)

November 8, 2018

THE IDEA

Following the 2018 Saratoga race meeting, veteran *Daily Racing Form* (DRF) columnist Mike Watchmaker offered his assessment of the 40-day stand. Among his comments was a significant frustration regarding the adjudication of races.

“It is not hyperbole to suggest the inconsistency from the stewards at this Saratoga meet was among the worst ever seen. It’s not even a stretch to make that claim. It’s a valid position...Forget about the demonstrable evidence that what was a foul one day was not another day. No one knew from race to race what an actionable foul was. It felt like the goal-posts were always moving”¹

Watchmaker offered several examples of the perceived inconsistency. His DRF colleague Mike Welsch took to Twitter on July 26 to opine on the stewards’ decisions from that day’s races. The original tweet garnered no fewer than 261 engagements, which included 179 likes.

“Hard to believe of the 3 races the Saratoga stewards were called upon to adjudicate today the last was the only number they took down. After calling the first 2 ‘as is’ there is no way that last winner could be disqualified. Has to be some measure of consistency.”²

History is littered with the cries of athletes, fans, reporters and bettors who feel a sport’s officials made a “bad call.” But whether it is real or perceived, inconsistent officiating can be maddening and has the potential to erode confidence and impact future participation.

¹ <https://www.drf.com/news/watchmaker-stewards-inconsistency-marred-saratoga-meet>

Horse racing is no different. The virulence of opinions regarding inconsistency in the officiating of racing, not just from Saratoga’s summer meet, but across the entire North American racing landscape for a considerable period, has prompted the Thoroughbred Idea Foundation to pursue the topic.

There is an alternative to the inconsistency, and with it comes far fewer inquiries, far fewer demotions. What racing **would** get is greater consistency, clarity and a betting sport where the participants – be them jockeys, trainers, owners or bettors – understand what fouls warrant demotions.

The philosophy applied in North America is identified by the International Federation of Horseracing Authorities (IFHA) as Category 2.

Currently, only two major racing jurisdictions in the world adjudicate races using Category 2: the United States of America and Canada.

As this paper reveals, **the Thoroughbred Idea Foundation recommends that North American racing jurisdictions move away from Category 2 and adopt a Category 1 interference philosophy.**

Per the IFHA definition,³ Category 2 jurisdictions are (emphasis added where underlined):

“Countries whose Rules provide that if the interferer is guilty of causing interference and such interference has affected the result of the race then the interferer is placed behind the sufferer irrespective of whether the sufferer would have finished in front of the interferer had the incident(s) not occurred.”

² <https://twitter.com/DRFWelsch/status/1022615996430004224>

³ <http://www.arcimodelrules.online/2017/10/05/interference-flat-racing/>

In contrast, Category 1 jurisdictions are those where:

“If, in the opinion of the Staging Authority’s relevant judicial body, a horse or its rider causes interference and finishes in front of the horse interfered with but irrespective of the incident(s) the sufferer would not have finished ahead of the horse causing the interference, the judge’s placings will remain unaltered”⁴

Adopting Category 1 across North America would yield a sport with a greater understanding of how a race is adjudicated, far fewer instances in which the stewards are called upon to review a race, fewer demotions, comes with an enhanced penalty structure for jockeys guilty of careless riding and increased confidence for all stakeholders in the adjudication of the race.

Make no mistake, a shift from Category 2 to Category 1 will not eliminate the likelihood of a stewards’ review in instances of close finishes with possible interference.

On balance, **we believe racing in North America will offer a more consistent experience for all industry stakeholders when Category 1 is adopted.**

Switching to Category 1 would be a confidence-building improvement to the sport.

The forthcoming details in this paper will outline the current state of race adjudication under the Category 2 philosophy, then compare it to the Category 1 experience. We will also reveal the changing rate of incidents within jurisdictions which have recently switched from Category 2 to Category 1, the history of North American rules changes and the far-reaching benefits of adopting Category 1.

Even if just a perception, an inconsistently-adjudicated sport serves as a blow to confidence for owners and horseplayers, frustrates racing fans and confuses jockeys, the race’s human participants who must perform within the rule structure.

TERMINOLOGY

For the purposes of more universal understanding, we will use a standard term throughout this paper – “reviewed incidents.” A reviewed incident refers to any occasion on which the stewards of any jurisdiction reviewed the footage of a race in consideration of a possible foul. A reviewed incident can be an inquiry, prompted by the stewards themselves, or an objection lodged by a jockey, trainer or owner, based on the jurisdiction.

Reviewed incidents do not include occasions where a foul was not under consideration, but a formal “inquiry” was lodged. For example, a horse that bobbed at the start and lost the jockey would not be considered a reviewed incident even though it prompted an inquiry, so long as no other horse was being considered as having caused the situation. A horse that may not have been afforded a fair start because of the role of a stalls handler / assistant starter would also not qualify as a “reviewed incident.”

When referring to a stewards’ decision where a horse was moved from its original finishing position and placed to some lower position, we will identify this as a “demotion” and not a “disqualification.”

The use of the word “demotion” is universally understood while “disqualification,” in many international jurisdictions, means placing a horse last following an egregious “win-at-any-cost” act by a jockey.

⁴ <https://www.ifhaonline.org/default.asp?section=Resources&story=992>

Again, this paper will refer to a horse being removed from its original position to a lower one as a “demotion” and not a “disqualification.”

CATEGORY 2 IN NORTH AMERICA

To understand the basic daily impact of current in-race adjudication in North America under Category 2, we reviewed the last full calendar year on two major American circuits – the New York Racing Association tracks (Aqueduct, Belmont and Saratoga) and southern California (Santa Anita, Los Alamitos Thoroughbred and Del Mar – identified in this paper as SoCal). All figures were derived from the publicly available reports published by the New York State Gaming Commission and the California Horse Racing Board.

In the following chart, take note of the numbers of reviewed incidents, demotions and the number of races within the circuit, yielding the percentage of races with reviewed incidents and demotions.

Races in 2017			
NYRA	2,089	SoCal	1,816
Reviewed Incidents		Demotions	
NYRA	73	NYRA	19
SoCal	89	SoCal	36
% Races with RI		% Races with Demotion	
NYRA	3.49%	NYRA	0.91%
SoCal	4.90%	SoCal	1.98%

Nearly 3.5% of races in New York had a reviewed incident, while the occurrence in California was higher, at just shy of 5% of races. But significantly higher were the number of demotions in SoCal – something which occurred in nearly 2% of all

races run while the NYRA tracks were approaching 1%.

The stewards in SoCal were far more active, demoting horses twice as often as the New York stewards, despite New York running 15% more races in 2017.

For the horseplayer wagering American dollars on American races via a legal, American wagering outlet, this disparity leaves an impression that a demotion in one jurisdiction might not be replicated in another, yielding an inconsistent experience and potentially eroding customer confidence.

Here are abridged rules the stewards in New York apply when considering a reviewed incident.⁵ Take note of the underlined portions of the excerpt. The full version of the rules reside in the full version of this white paper.

§ 4035.2. Foul riding penalized.

(b) A horse crossing another may be disqualified, if in the judgment of the stewards, it interferes with, impedes or intimidates another horse, or the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding..

(d) The stewards may disqualify the horse ridden by the jockey who committed the foul if the foul was willful or careless or may have altered the finish of the race.

§ 4039.20. Stewards determine extent of disqualification.

The stewards are vested with the power to determine the extent of disqualification in case of fouls. The

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[https://www.gaming.ny.gov/pdf/legal/New%20York%20State%20Gaming%20Commission%20rules%20Chapter%201%20,Subchapter%20A%20\(Thoroughbred%20Racing\)%20updated%202018-08.pdf](https://www.gaming.ny.gov/pdf/legal/New%20York%20State%20Gaming%20Commission%20rules%20Chapter%201%20,Subchapter%20A%20(Thoroughbred%20Racing)%20updated%202018-08.pdf)

stewards may place the offending horse behind such horses as, in the stewards' judgment, the offending horse interfered with, or the stewards may place the offending horse last, and the stewards may disqualify the offending horse from participation in any part of the purse.

The rules in California are less verbose, but offer a very similar set of qualifications for the stewards to consider when a foul may have occurred.⁶ Once again, take note of the underlined section.

During the running of the race:

(a) A horse shall not interfere with any other horse. Interference is defined as bumping, impeding, forcing or floating in or out or otherwise causing any other horse to lose stride, ground, momentum or position.

(b) A horse which interferes with another as defined in subsection (a) may be disqualified and placed behind the horse so interfered with if, in the opinion of the Stewards, the horse interfered with was not at fault and due to the interference lost the opportunity for a better placing.

Both states' rules are clearly from the Category 2 philosophy. In New York, stewards are asked to determine if the incident "may have altered the finish of the race." In California, stewards can demote a horse if they believe "the horse interfered with was not at fault and due to the interference lost the opportunity for a better placing."

This language requires stewards to do a significant amount of interpreting. The more room for interpretation, the greater the chances

of inconsistencies across groups of stewards from one local jurisdiction to another.

A May 2018 meeting of the California Horse Racing Board saw several stakeholders present complaints to the board in light of what they believed were inconsistent decisions from the stewards at Santa Anita.⁷

Longtime industry professional and horseplayer Bob Ike shared his frustration.

"I've been in the game for 33 years. To me, that means I've watched about 60,000 races live, and probably triple that when you count the replays that I go back and watch. And I've probably gambled, of those 33 years, about 95 percent of the racing days here in Southern California. I don't bet other circuits. I just play Southern California.

But as of May 6th, the eighth race that day, I've stopped gambling on Southern California races, and I'll continue to do so until I believe that there is better and more consistent officiating. I might bet on other circuits or I might not bet at all, but I just cannot play Southern California anymore with the kind of consistent inconsistency that I think I've seen from the stewards. And I think I speak for a lot of other horse players also."

Madeline Auerbach, vice-chairman of the CHRB, summarized the issue in these remarks:

"...If you look at stewards' decisions all over the country and the way racing is conducted, there is always a level of unhappiness. And even though this is beyond the level of unhappiness, I do want to point out that it's not -- no

⁶ http://www.chrb.ca.gov/policies_and_regulations/CHRB_Rule_Book_0718v2.pdf

⁷ http://www.chrb.ca.gov/Board/board_meeting_transcripts/transcript_18-05-24.pdf

matter what we do, it won't be perfect...And we hear you; consistency, and something that we can count on, is what we're all looking for."

Focusing solely on whether or not the suffering horse would have finished in front of the interfering horse, Category 1 brings a greater opportunity for consistency.

MAJOR CATEGORY 2 FLAWS

Among the primary flaws with the Category 2 philosophy, clear-cut winners can be demoted for interference which had minimal impact on the race – penalizing the jockey, owners, trainers, bettors, and in some cases, even the racetrack itself.

Now imagine the application of Category 2 rules in a Kentucky Derby or Breeders' Cup Classic. A winner that rolls clear only to lose the race in the stewards' room. The outcry would be deafening.

There are plenty of examples of prestigious North American races where "controversial" demotions of clear winners received significant coverage.

Secret Gesture, a 1 ¼-length winner, was demoted from first to third in the 2015 Beverly D when her shifting ground led to a check from Stephanie's Kitten, who was then caught for second by Watsdachances.⁸

Powerscourt went on to a 1 ½-length win in the 2004 Arlington Million from Kicken Kris, himself a length clear of the third placer, but was demoted behind Kicken Kris after shifting in.⁹ Jockey Kent Desormeaux, who rode Kicken Kris, even flagged his whip, celebrating after the race as he was certain he would be promoted by the

stewards due to the interference of a horse who was, otherwise, easily the best on the day.

Three recent incidents across North America within a week brought the drawback to the existing Category 2 philosophy into focus, where clear, basically eased-down winners were demoted following earlier interference. The races in question all involved two-year-old maidens:

- Laurel Park, Race 2, September 14
- Woodbine, Race 2, September 16
- Remington Park, Race 6, September 20

In the race at Laurel, Passcode broke from gate seven and angled across the field, causing Follow The Dog to steady on the backstretch. Passcode was never challenged and won by 3 ¾ lengths, but was demoted to second behind Follow The Dog.¹⁰ Passcode returned a 2 ½ length winner in her subsequent start as the 6-5 favorite.

At Woodbine, first-time starter She Calls It ran off to a 6 ¼-length win under jockey Jesse Campbell, but caused two horses to steady in the vicinity of the quarter pole when commencing a rally. The filly was eased down in a super impressive win, but demoted to fifth for the interference.¹¹

She Calls It returned a 2 ¼-length winner in her next start when, somewhat remarkably, she was only the 5-2 second choice in a field of 12.

Another first-time starter, Eskendar pinched some space from fellow debuter Street Conscious at Remington near the half-mile pole in this six-furlong race. Eskendar went on to win by five lengths but was demoted to second behind the aggrieved horse.

Despite still being eligible for maiden company, Eskendar returned in a listed stakes race at Delta

⁸ <https://www.youtube.com/watch?v=5Hn0I2erJF0>

⁹ <https://youtu.be/G9k-WZBrIU0?t=1109>

¹⁰ <https://www.youtube.com/watch?v=mydIDYr2Z5s>

¹¹ <https://www.youtube.com/watch?v=yszVFOm8pAo>

Downs and finished second as the 5-2 second choice. The filly who was the adjudged winner at Remington, Street Conscious, finished 22 lengths sixth behind her in the same race.

These three horses “won” by a combined 15 lengths and all were demoted for fouls occurring no less than a quarter mile from the finish. With these rulings, the stewards believed the suffering horses were denied a better finishing position or the interference in some way may have altered the final results of the race.

Under the Category 1 philosophy, none of these examples, would have seen a change in the order of finish. **The winners were too good, their margins of victory too significant.** Relative to the rule, there was no evidence that had the interference not occurred, the horses that suffered interference would have finished in front of the interfering horses.

The Category 1 rules are distinctly written to benefit the “best horse.” Racing should want to promote a sport where the best horse wins. The Category 1 philosophy aims to ensure that standard. In these cases above, the best horse was denied a clear win by the stewards’ decisions, penalizing far more stakeholders than would be the case in Category 1.

The bettors, who successfully backed a clear winner, lost. The owners, trainers and jockeys lost. The next time each of the demoted maiden winners returns in a maiden race, despite having won clear in their previous attempts, the host racetrack might find themselves with an uncompetitive betting race and a short favorite. The consequences of a single jockey’s action, or a horse’s uncontrolled shifting, reach deeper in North America than anywhere else in the racing world.

¹² Only wagers redistributed in win, place and show pools could be determined. The figure is greater than \$2.12 million once factoring in redistributed exotic wagers.

In races with much closer finishes, stewards in Category 1 jurisdictions won’t hesitate in hoisting the inquiry sign if needed, but the burden of proof is significantly tougher.

In the NYRA and SoCal races from 2017 which saw a combined 55 demotions, no less than \$2.12 million in prize money and wagers were redistributed as a result of those decisions.¹² The totals across North America put the total figure much higher, estimated by TIF at more than \$10 million annually. Under Category 1, significantly less would have been redistributed as demotions would have declined.

On balance, is the Category 2 philosophy fairer to more stakeholders than Category 1? We believe not.

The Category 1 Alternative

As mentioned, North America remains the sole spot in the world of racing to retain the Category 2 philosophy. The rest of the world has changed over to Category 1, albeit with varying speeds.

Among the most notable jurisdictions to change in recent years is Japan – where the top flight races of the Japan Racing Association, numbering more than 3,400 per year, are now governed by Category 1 since changing to this philosophy in 2013.

The change was prompted, unfortunately, by a demotion in one of Japan’s most esteemed races, the 2010 Japan Cup, in which betting and fan favorite Buena Vista, a clear two-length winner past the post, was demoted and placed second because, in the opinion of the stewards, her shifting-in caused Rose Kingdom the opportunity for a better placing.

North American racing, and its current raceday stewards, are sitting on a ticking time bomb of

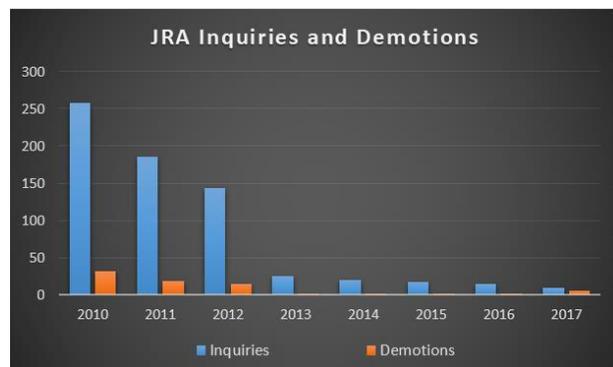
negative publicity and shattered confidence, set to explode when a major race winner, well clear, is demoted as a result of the Category 2 rules in place.

It is necessary to note that we believe the stewards would not be at fault for this. They are merely interpreting the rules as provided. The rules philosophy needs to change.

Take note of the figures below, provided by the JRA to the IFHA for use at its 2018 International Conference, relative to the number of inquiries and demotions in the years before the switch (orange) and subsequent years since Category 1 was adopted (dark blue).¹³

A bar graph of the data is also provided, exhibiting the dramatic differences from 2010-2012 under Category 2 and then the subsequent years after the Category 1 adoption.

JRA Inquiries and Demotions					
Year	Inquiries	Demotions	Races	% Races w/Inquiries	% Races w/Demotion
2010	258	32	3,454	7.47%	0.93%
2011	185	19	3,453	5.36%	0.55%
2012	143	14	3,454	4.14%	0.41%
2013	25	1	3,454	0.72%	0.03%
2014	20	2	3,451	0.58%	0.06%
2015	17	1	3,454	0.49%	0.03%
2016	14	2	3,454	0.41%	0.06%
2017	9	5	3,455	0.26%	0.14%



In the first five full years since enacting Category 1, JRA races have been subject to a stewards' inquiry on 85 occasions, or roughly 59% the number of inquiries held just in 2012 alone, the last year of Category 2. The number of demotions in those five years is still less than the total for 2012 as well.

What was once an incredibly litigious racing culture, with rates of inquiry even greater than those seen in California in 2017, has become one where the number of reviewed incidents and demotions have grown rare.

France and Germany, the last two European holdouts to Category 2, switched to Category 1 with the commencement of their 2018 flat seasons. Henri Pouret, Deputy Director General of Racing Operations for France Galop, in his remarks to the IFHA's International Conference on October 8, 2018, noted that the number of stewards' inquiries had dropped by one-third and the number of demotions declined by one-half through that point of the season, their first under Category 1.

At the same presentation, Dr Oscar Bertolotti, representing OSFA, the organization which oversees the industry in Central and South America, noted that Panama, the last remaining Latin American holdout in Category 2, has also made the shift as of September 2018.

Great Britain, perhaps the closest international jurisdiction to North America, particularly given the rising participation at and distribution of the Royal Ascot meeting, and vice versa through the Breeders' Cup and several other major racing events, has been a Category 1 stalwart.

Hong Kong, whose exposure in America has grown since allowing for commingling into their massive tote pools, also flies the Category 1 flag. Both experience miniscule demotion rates as a

¹³ The JRA data does not differentiate between a "reviewed incident," as discussed in this paper, and an "inquiry."

product of their rules philosophy. See their figures in the following chart, combined with Japan for 2017. The rates of review and demotions are significantly lower than what is experienced in North America.

Races in 2017					
GB	10,288	HK	807	JPN	3,455
Reviewed Incidents		Demotions			
GB	119	GB	20		
HK	6	HK	0		
JPN	9	JPN	5		
% Races with RI		% Races with Demotion			
GB	1.16%	GB	0.19%		
HK	0.74%	HK	0.00%		
JPN	0.26%	JPN	0.14%		

Using the rate of reviewed incidents and demotions from Great Britain in 2017 (1.16% for RI, 0.19% for demotions), the subsequent chart shows a projection of North America reviewed incidents and demotions if the same rate was experienced, as well as those of NYRA and SoCal.

Projected 2017 RI and Demotions (Using 2017 Great Britain rate - 1.16% inquiries, 0.19% demotion)			
Circuit	Races	RI	Demotions
North America	42,137	487	81
NYRA	2,089	24 (73)	4 (19)
SoCal	1,816	21 (81)	3 (36)
<i>Actual figures for RI & Demotions in ()</i>			

Had the rates been equal, NYRA would have seen demotions drop nearly five times, with SoCal down 12-fold.

Contemplating the Change

Any change in the rules of racing within a North American jurisdiction will require individual

jurisdictions to amend their rules of racing. The topic was up for discussion at the University of Arizona's 2017 Global Symposium on Racing.¹⁴ The panel featured two current North American stewards, the California Horse Racing Board's Scott Chaney and the Illinois Racing Board's chief state steward Eddie Arroyo, as well as the Japan Racing Association's Atsushi Koya.

Both Arroyo and Chaney offered positive opinions should North America switch to Category 1 at some point in the future, and easily identified the tradeoffs that stakeholders must accept regardless of the model. Select passages are bolded and underlined for emphasis.

*Chaney: "When you switch to Category 1, make no mistake, **you are sacrificing fairness and equity, and things like that, for certainty and consistency and 'easier-to-understand.'**"*

*From a steward sitting in the stand, I like Category 1 because we don't get **any grief. Everyone kind of agrees what the result is going to be, it's straightforward.** [In Japan], out of 3,500 races, you change the result only maybe 5-10 times. As a steward, you take criticism, but I think it's important to know you are giving up something [with either Category]."*

Arroyo was introduced to the Category 1 philosophy at a 2015 conference and offered his remarks from that point.

"When they showed us Category 1 compared to Category 2, we had a quick grin and said 'this will never fly.' The topic wasn't discussed much in the last year and we went to [another conference in 2017] and there was more discussion.

¹⁴ <https://vimeo.com/248492656/1038b6374c>

We began to look at the difference in the Categories and it became quite apparent that there is some merit to [Category 1].

*But, after I returned from the meeting, when we had an inquiry and adjudicated the race, we then talked about how we would have handled the race if we were a Category 1 country. **I will tell you, it made it so much simpler, we always would come to the same conclusion and we'd come to the conclusion fast. The benefit of Category 1, and I'm not 100% sold on it, everyone understands what the stewards are going to do when the incident happens. Under Category 2, you don't know.***

It simplifies what we do, but at the same time, if we all did it, and you know how hard it is in this country to get everyone to apply the same rule, we would be really consistent, not just in our state, but across the country. It needs some discussion, but I think it has a future.

With roughly five decades of experience in the stewards' booth, Arroyo and Chaney addressed the main points in the debate between the Categories. Without question, Category 2 introduces much greater subjectivity in the hopes of a just and equitable result. Category 1 yields a philosophy that is more consistent and easy-to-understand.

On balance, we believe North American racing would benefit from the switch to Category 1.

France was a strong holdout, but finally switched to Category 1 following the IFHA's adoption of a model rule that covered the topic. The reasons for retaining Category 2, as explained in this *Racing Post* article from October 2017 below,

¹⁵ <https://www.racingpost.com/news/france-comes-into-line-with-britain-and-ireland-on-interference/303182>

sounds quite similar to the cries that might be heard from North American naysayers to adopting Category 1.

"French resistance to observing interference rules that apply elsewhere... has crumbled in the face of a new clause to be introduced to the International Federation of Horseracing Authorities' international agreement.

"France...so far remained in Category 2, with the French authorities citing their punters' reliance on exotic bet types, rather than defending, for example, worthy winners."¹⁵

Arguments such as those which were routinely offered by the French fell by the wayside, and their adoption of Category 1, along with that of Germany, leaves North America as a global outlier remaining in Category 2. The positive comments from Stewards Arroyo and Chaney are encouraging in the quest to achieve a more consistent approach which values clarity over a more subjective philosophy.

Jack Wolf, founder of partnership Starlight Racing, a winner of no less than two dozen graded races, and a Thoroughbred Idea Foundation board member, offers his thoughts having experienced both sides of the current system as an owner.

"Safety is obviously paramount, but quite clearly from a consistency perspective, Category 1 must be adopted. My horses have been involved on both sides of victory and defeat through demotions in graded stakes, and in each case I felt bad when we were moved up and pretty upset when taken down. The best horse should be allowed to win the race."

Dubai World Cup and Breeders' Cup winning jockey Aaron Gryder supports a change.

"I've ridden all over the world in the last decade, with extended stops in Hong Kong and the Middle East and just about everywhere in North America. There is no doubt in my mind that the Category 1 philosophy I experienced overseas is much more straightforward for everyone involved in the race."

Penalties with Category 1

We cannot overstate this: the safety of in-race participants – horses and jockeys – is of paramount concern no matter the rules philosophy in place.

Whether Category 1 or Category 2, racing cannot tolerate extreme or inappropriate riding tactics which jeopardize safety, making a sport in which human athletes are already trailed by an ambulance even more dangerous. Stewards must ensure that the jockeys licensed to ride in a jurisdiction are legitimately credentialed to do so and that new apprentices are skilled enough to not create excessive hazards to their colleagues.

When faced with the prospects of far fewer demotions, one is left to wonder if racing would suffer from an outbreak of fouls, or a win-at-all-cost mentality from jockeys, jeopardizing the safety of in-race participants.

Category 1 jurisdictions are not replete with carnage from racing where few horses are demoted due to interference. A penalty structure, which includes suspensions and monetary fines, serves as a deterrent for careless riding.

Despite demoting only 11 horses from 85 inquiries in the 17,268 races over five full years since shifting to Category 1 (2013-2017), the stewards of the Japan Racing Association

delivered 199 suspensions to jockeys over the period. Monetary fines are also included in many Category 1 jurisdictions' penalty structures, with both fines and suspension durations increasing with the number of repeated offenses for guilty jockeys.

Atsushi Koya, currently the senior manager, general affairs of the JRA's Nakayama Racecourse, led Japan's conversion to Category 1 in his previous role as a steward. He outlined the benchmarks used by Japan in their new Category 1 model.

"Usually, the starting point on the suspension is nine calendar days in the JRA. If [in] a graded race, like the Japan Cup, the number of suspension days should be increased to 16 calendar or 23 calendar days. We review the penalty record of the jockey when deciding the penalty for the interference. If there is a penalty record in the recent couple of months and the jockey interfered again, the suspension would be increased."

Concerns of jockeys losing control and riding in a reckless manner are unfounded in any of these jurisdictions.

France, the world's most recent adopter of Category 1, outlined their adjusted penalty structure when announcing the change.

"[A] dangerous riding offence will result in a minimum of 6 days suspension (8 days for apprentices and in Group races, up to 15 to 20 days in case of a fall). If the interference is not caused by dangerous riding but still causes demotion, the penalty shall be a 2 to 4

days suspension (150€ to 2 days if the finishing order isn't affected).¹⁶

Under the Category 1 approach, the post-race penalty for interference in a race is limited almost solely to the jockey. The owner and trainer keep their share of the prize money, a winning bettor stays that way.

If a dangerous, “win-at-all-cost” approach was applied by a jockey in a particular race, the rules can be bolstered with a true disqualification clause – removing a horse from the race after it has been run as a function of an egregious foul. This is the non-American use of the term “disqualification,” and matches its use in other sports.

In the circumstance of a disqualification, all parties associated or supporting the disqualified horse lose – owner, trainer, jockey and the bettors. While its application is rare, its placement in the rules is designed as the harshest deterrent.

The IFHA adopted the disqualification element in its model rule, based in Category 1 philosophy, and is in place in many jurisdictions.

“Racing Authorities may, within their Rules, provide for the disqualification of a horse from a race in circumstances in which the Staging Authority’s relevant judicial body deems that the rider has ridden in a dangerous manner.”¹⁷

A switch to Category 1 should not yield more careless or dangerous riding. This has not been the case in the history of jurisdictions to make the change. **The threat of the disqualification rule and an appropriate penalty structure for riding offenses does its job.**

¹⁶ <http://www.france-galop.com/en/content/new-interference-rules-apply-france-march-31st>

Implementing Category 1

The Thoroughbred Idea Foundation recognizes the challenges with adopting and implementing change in the sport. The challenge itself is not a reason change should be avoided. Change is needed.

The first major step to implementing a rules philosophy change would be an adoption of the IFHA-backed model rule. A full version of that rule can be found in the Appendix. Fortunately, the topic is on the agenda for discussion at the 2018 Model Rules Committee in Tucson this December. If a model rule is adopted by the committee, now or in the future, individual jurisdictions would be required to take their own steps to accept and adopt.

Commensurate with the model rules update, training would be required for North American racing officials. Already a function of the Racing Officials Accreditation Program (ROAP) which oversees the accreditation and continuing education of stewards, the infrastructure is in place to effect such change.

France approved the change to Category 1 in October 2017 and implemented the new rules on March 31, 2018. “We have lots of racecourses in France and lots of stewards,” said Henri Pouret at the IFHA International Conference in October 2018.

“500 of them had to be trained to apply the new rule, which is a lot of work to do. The position about the change was, overall, in favor of it. Not against. Some were in favor because they considered that it was easier, in a way, to apply the new rule.”

¹⁷ <https://www.ifhaonline.org/default.asp?section=Resources&story=992>

Mr Pouret explained the steps taken once France decided to adopt Category 1. First, he indicated, updated written guidelines were provided to the stewards, which came in concert with support from the trainers' and jockeys' associations, and a series of interactive seminars were held across the country supplemented with video case studies.

"The implementation of the change has been eased because the stewards in the provinces were supportive with the new guidelines as they consider that it is easier to let the result stand rather than demote a horse."

Communication to horseplayers is equally essential, requiring support from racetrack broadcast entities, national broadcasters, journalists, social influencers and key bettors. In North America, even advanced deposit wagering (ADW) outlets should be involved in sharing news of the change.

Changing the Rules

Adopting Category 1 would be a significant change to the ecosystem of North American racing. Let's tackle some of the main questions associated with this topic, as have been discussed throughout this paper.

1. Is it possible for a jurisdiction with a long history and a large stakeholder base to transition from Category 2 to Category 1?

Yes. France adopted the change in October 2017 after years of discussion and implemented the new rules six months later. Japan implemented Category 1 a little more than two years after a classic Category 2 demotion was made in their richest international race, the Japan Cup.

2. Will Category 1 yield a more consistent approach when it comes to considering whether to review an incident, or once an incident is already under review?

Yes. The application of a subjective approach by the stewards is greatly reduced in Category 1. The result is a more consistent set of rulings. Even long-time American stewards that have learned about Category 1 interference rules agree.

3. If Category 1 is adopted, will the stewards still be called-upon in instances of very close finishes where some interference may have occurred?

Yes. This is universal regardless of the Category. There is still some element of interpretation required, but on a far less frequent basis under Category 1.

4. How much fairer is Category 1 than 2?

There is no perfect solution. Interference in a race cannot be adjudicated to the point that a single solution will yield an entirely fair result. The point made by California-based steward Scott Chaney, referenced earlier, is the standard when it comes to this topic: Category 1 sacrifices equity in exchange for clarity and consistency. Category 2 does the opposite. We believe there is tremendous value in adopting a philosophy which emphasizes clarity and consistency for stakeholders – prime values to bolster market confidence.

On balance, we believe North America should adopt Category 1, beginning with the Model Rules Committee and then going forward with individual jurisdictional adoption. This would be a significant improvement and confidence boost for the financial drivers of the sport – horseplayers and owners.

Appendix A

International Federation of Horseracing Authorities **Model Rule on Interference**

IFHA - October 3, 2017

If, in the opinion of the Staging Authority's relevant judicial body, a horse or its rider causes interference and finishes in front of the horse interfered with but irrespective of the incident(s) the sufferer would not have finished ahead of the horse causing the interference, the judge's placings will remain unaltered.

If, in the opinion of the Staging Authority's relevant judicial body, a horse or its rider causes interference and finishes in front of the horse interfered with and if not for the incident(s) the sufferer would have finished ahead of the horse causing the interference, the interferer will be placed immediately behind the sufferer.

Racing Authorities may, with their Rules, provide for the disqualification of a horse from a race in circumstances in which the Staging Authority's relevant judicial body deems that the rider has ridden in a dangerous manner.

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12. Only wagers redistributed in win, place and show pools could be determined. The figure is greater than \$2.12 million once factoring in redistributed exotic wagers.
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14. <https://vimeo.com/248492656/1038b6374c>
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Questions or Comments?

With questions or comments on this report, please reach out us by email (ThoroughbredIdeaFoundation@gmail.com) or via social media, on Twitter @RacingIdeas.