



News & Views

California horsemen hold keys to the successful implementation of security measures being recommended by an industry panel that advises the California Horse Racing Board on critical medication and security issues

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Owners, trainers, and breeders are being asked to contribute financially as individuals and through their organizations, and to show strong support for get-tough measures designed to level the playing field for all participants in California horse racing and to help improve its image among the betting public.

Chief among the measures under consideration is an emergency regulation that would affirm the CHRB's authority to heighten surveillance in the stable areas, including the use of audio-video equipment and the designation of security stalls.

The Ad Hoc Security Committee, which includes representatives from horsemen's groups, racetracks, the CHRB, and other industry organizations, has been dealing with security and medication issues for the last two years. The committee represents an unprecedented degree of cooperation among the various factions of California horse racing.

Representatives of the California Thoroughbred Trainers (CTT), Thoroughbred Owners of California (TOC), the state's racetracks, the CHRB, and other entities, as well as committed individuals, have been working together in the common belief that whenever someone violates laws and regulations to gain an unfair advantage in horse racing—or at least when the public believes that some people are cheating—the integrity of the sport is undermined, and helps drag down the entire industry.

This new spirit of cooperation within the industry led to the creation of the highly successful TCO₂ testing program, which the racetracks implemented in partnership with the TOC and CTT, and with encouragement from the CHRB. It also resulted in revised priorities and responsibilities for some racetrack security personnel and CHRB investigators, who now are more visible in the stable areas, particularly in their monitoring of horses entered to race. And it contributed to the decision by the state's racing commissioners to transfer all California equine drug testing to the Kenneth Maddy Laboratory at UC Davis, which has substantial detection and related research capabilities.

Now the committee is recommending that racetracks and the CHRB take additional steps for improved security. As described by Dr. Rick Arthur, a director of the Oak Tree Racing Association, "We need to keep ratcheting things up until we achieve the desired results. Our purpose

in following these various surveillance avenues is to try to develop an effective program to protect the integrity of racing short of detention barns. If we aren't successful, detention barns are the logical next step."

Among the changes planned for the Oak Tree meet are:

- The purchase and placement of surveillance cameras in certain barns, based on both random selection and criteria being established for earned surveillance.
- The designation of security stalls within the barns of trainers marked for this increased surveillance, where fixed cameras can be placed inside and outside the stalls.
- The hiring of additional security personnel to monitor the stable area, bolstering the security staff already assigned to monitor horses entered to race.
- Improved training for all security personnel involved in monitoring horses, utilizing videotapes and instruction from horsemen and CHRB associate stewards.

Many believe the CHRB already has sufficient authority under law to implement these security measures, but Commissioner Richard Shapiro, who chaired the most recent meeting of the ad hoc committee, said an emergency regulation has been drafted to "take the word 'probably' out of the equation" and reduce the possibility of the measures being successfully challenged in court.

As currently drafted, the emergency regulation reads:

"Any horse, stable or trainer that is on the premises, as defined by Rule 1420, subdivision (q), shall, in the sole and absolute discretion of the Board, be subject to heightened surveillance during the period of ten (10) days immediately preceding, and during, any racing meeting. Such heightened surveillance may include, but need not be limited to, the following: observation by Board staff, stewards or persons affiliated with or retained by the racing association; requiring any horse to be stabled in a stall that, in the sole discretion of the Board, is better situated for monitoring by enforcement staff; requiring any horse to be stabled in a stall that has within it monitoring device(s), including, but not limited to, audio, video, or any other means determined by the Board, and any or all persons or devices utilized for these purposes may utilize recording devices in connection with such surveillance;

having the horse stabled in a stall which has on-premises security; or requiring a horse to be placed in a detention area designated by the Board. Owners or trainers refusing to subject any horse or premises under their control or care to such increased surveillance may be barred from the premises, fined, suspended, or otherwise disciplined by the Board as the Board deems appropriate.”

The CHRB is working with the ad hoc committee to address concerns expressed about the wording of the regulation. The final draft of the regulation will be placed on the agenda for the Oct. 6 Board meeting in Fresno. California law allows state agencies to implement new regulations quickly through an emergency procedure if it can be shown that the new rule is necessary for the immediate preservation of the public peace, health and safety, or general welfare. In such a case, the emergency regulation could receive the required approvals from other state authorities and be implemented during the Oak Tree meet.

Shapiro advised the committee members, “The people who need to approve this emergency regulation might question whether there truly is an emergency. Our answer is that we must stem the tide of recent years where we are losing fans, revenues, horses and, most importantly, the owners who are the engine that drives the industry. We have to insure that the playing field is as level as possible, which will encourage participants at all levels to participate in California racing.

“When it comes to integrity, or even the perception of integrity, every effort must be taken to improve ourselves and put our best foot forward. We need the entire industry to throw its support behind this regulation. That means writing letters, in care of the CHRB, citing the reasons why we need this regulation immediately.”

Ron Charles, President of Santa Anita Park and a member of the ad hoc committee, put the proposed regulation in perspective with the comment, “Our participants and our racing fans believe we are losing the integrity of the sport. We need to address that issue right now before we lose any more ground. For that, we need the entire support of the TOC, the CTT, the CTBA, and the racing associations—not just getting behind the regulation but getting way behind it!”

Dr. Arthur added, “The TOC and the CTT are going to be the two organizations that make this move forward—or not.”

CTT President Ed Halpern, a member of the ad hoc committee, when asked to comment, offered qualified support for the proposed emergency regulation and related security measures.

“This obviously has to go through our (CTT) Board,” began Halpern. “I can tell you that my Board strongly favors actions that will level the playing field. As written, the regulation gives the CHRB some very broad authority. I believe we could support this, but it may require some alterations to the wording.

“The CTT has been at the forefront in exploring ways to expand security and eliminate opportunities to illegally affect performance. In 2000, our organization was among the first to recommend the use of security cameras and to suggest the increased presence of security personnel. On the other hand, I want to make it clear that the vast majority of trainers are honest to a fault. It is only a small number of trainers that make increased security a necessity.”

Whether there is in fact cheating going on, or merely the perception of cheating, the emergency regulation and the additional security measures are designed to address the problem. The pilot program will involve the purchase of perhaps five sets of cameras, which could be placed in the barns of three trainers who qualify for earned surveillance and in the barns of two trainers selected randomly.

To qualify for earned surveillance, a trainer would need to meet some of the following criteria:

- 1) Winning percentage of 25 percent or more from at least 10 starters.
- 2) In-the-money percentage of 60 percent or more from at least 20 starters.
- 3) TCO₂ confirmed level in excess of 36 millimoles during preceding 12 months.
- 4) Class 1, 2, or 3 violation during preceding 12 months.
- 5) Pending Class 1, 2, or 3 violation after filing of accusation or complaint.
- 6) Among five leading trainers during meet immediately preceding current meet.
- 7) Horse(s) experiencing dramatic form reversal(s) based on Ragozin sheets, Beyer numbers, or other popularly accepted rating systems.

The cost of the cameras, even a limited number for the pilot program at Oak Tree, could exceed \$100,000, depending on the number of cameras and their quality, the related equipment, and the cost of wiring the selected barns. Although representatives of the TOC have indicated their organization could make some money available for this purpose, other sources of funding must be found. It was suggested that individual owners, trainers, and other licensees might make contributions sufficient to make up the difference.

“Cameras are one more piece of the puzzle,” said CHRB Executive Director Ingrid Fermin, also a member of the committee. “They go along with better testing, increased surveillance, higher visibility, and lots of other things that put the puzzle together.”

One major component of the security program is TCO₂ testing, which under provisions of a new law is coming under the jurisdiction of the CHRB. The racing associations are being asked to continue their detention barn procedure for TCO₂ violations, but CHRB regulations provide additional sanctions, including automatic forfeiture of purses and possible fines and suspensions.