

SANTA ANITA TASK FORCE REPORT OF INVESTIGATION



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

December 2019

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REPORT FROM THE DISTRICT ATTORNEY SANTA ANITA TASK FORCE

I. INTRODUCTION

On March 15, 2019, the Los Angeles County District Attorney's Office formed a task force to investigate and review the racing and training fatalities at Santa Anita Park for evidence of animal cruelty and criminal activity. In an ongoing capacity, the District Attorney Santa Anita Task Force is continuing to review the 56 fatalities that took place between July 1, 2018 and November 30, 2019.

Historically, horseracing fatalities are documented and recorded based on a fiscal year. During the 2018-2019 fiscal year (July 1, 2018 to June 30, 2019), Santa Anita Park suffered 49 equine deaths. The first fatality, Unusual Syn, occurred on July 8, 2018, and the last fatality, American Currency, occurred on June 22, 2019. Thirty-nine of the deaths resulted from catastrophic breakdowns during racing or training and the other ten resulted from illness or non-racing accidents. Twenty-three deaths occurred during the 11-week period of December 30, 2018, to March 31, 2019, a period of unusually heavy rains in Southern California. To date, during the 2019-2020 fiscal year, Santa Anita suffered seven equine fatalities, beginning with Zeke on September 16, 2019, and ending with Mongolian Groom on November 2, 2019.

II. REGULATORY AUTHORITY

Horse racing in California is governed by the California Business and Professions Code, which vests the California Horse Racing Board (CHRB) with the jurisdiction and supervision of horse racing with wagering. The CHRB is responsible for the establishment of safety standards governing the uniformity and content of the track base and racing surface, inner and outer rails, gates and gaps, turf, access and egress to the track, lighting for night racing, equipment for horse and rider, drainage, communications, veterinary services, medical and ambulance services, and other track facilities in order to improve the safety of horses, riders, and workers at the race track.

Pursuant to its authority, CHRB is conducting an independent investigation into the horse racing fatalities at Santa Anita Park.

III. STATISTICS

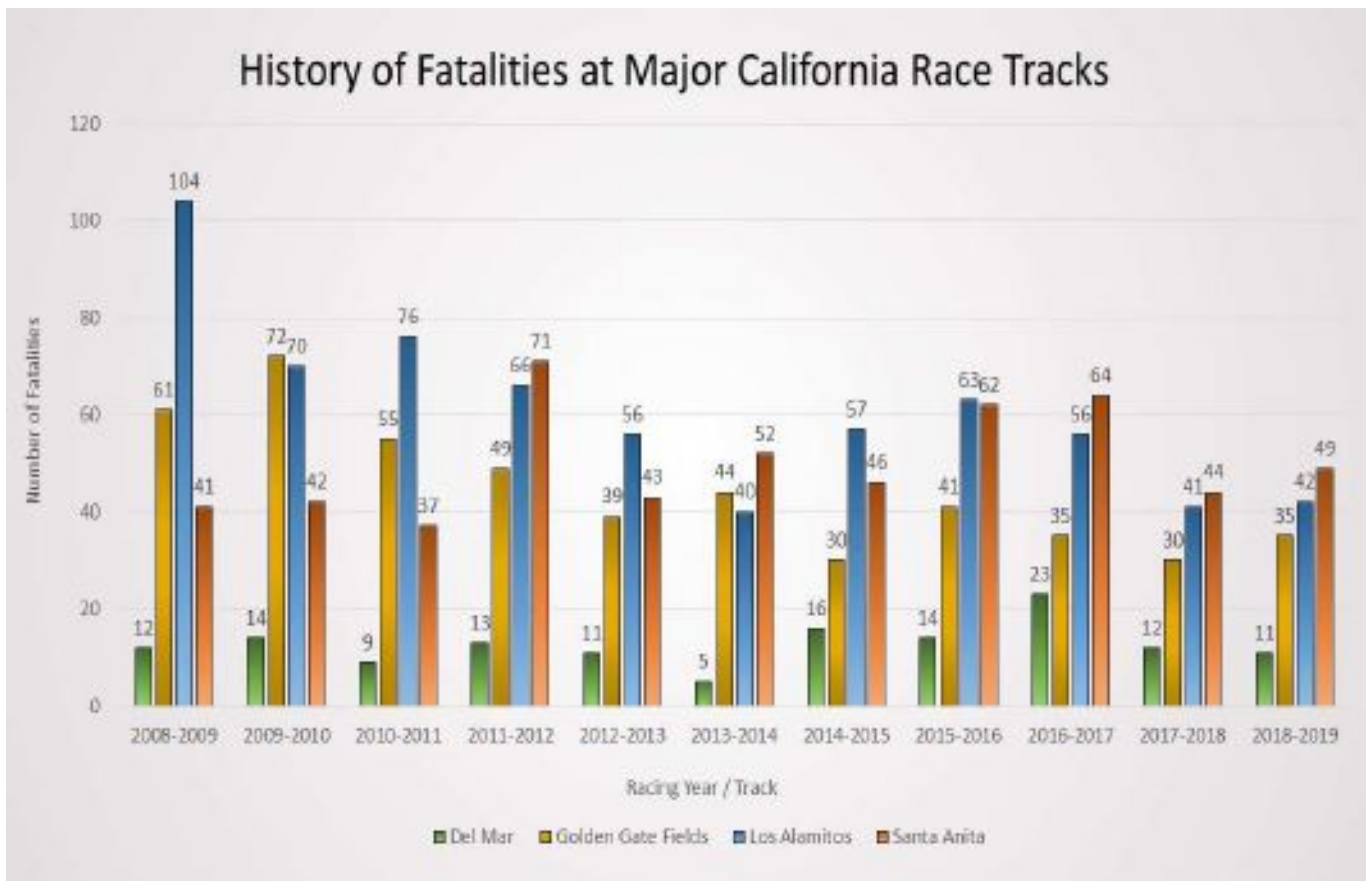
The Jockey Club¹ releases an annual report of fatality statistics based upon data compiled in the Equine Injury Database, which can be found on its website. Since 2009, the national average for catastrophic racing breakdowns has declined almost 20 percent. In 2018, the national average of racing fatalities was 1.68 deaths per 1000 racing starts.

¹ Jockeyclub.com

Santa Anita Park averaged 2.04 deaths per 1000 racing starts. Churchill Downs, the home of the Kentucky Derby, averaged 2.73 deaths per 1000 racing starts.

The racing industry compiles equine fatality statistics based on the fiscal year. Forty-four deaths occurred at Santa Anita Park during the 2017-2018 fiscal year. Thirty-seven occurred during racing or training and seven were due to illness or non-racing accidents. This was one of the lowest numbers in recent history, with the 49 fatalities during fiscal year 2018-2019 being the second lowest.

The statistical information related to all 56 fatalities, which are the subject of this investigation, follows. This information was derived from CHRB investigative documents and Equibase².



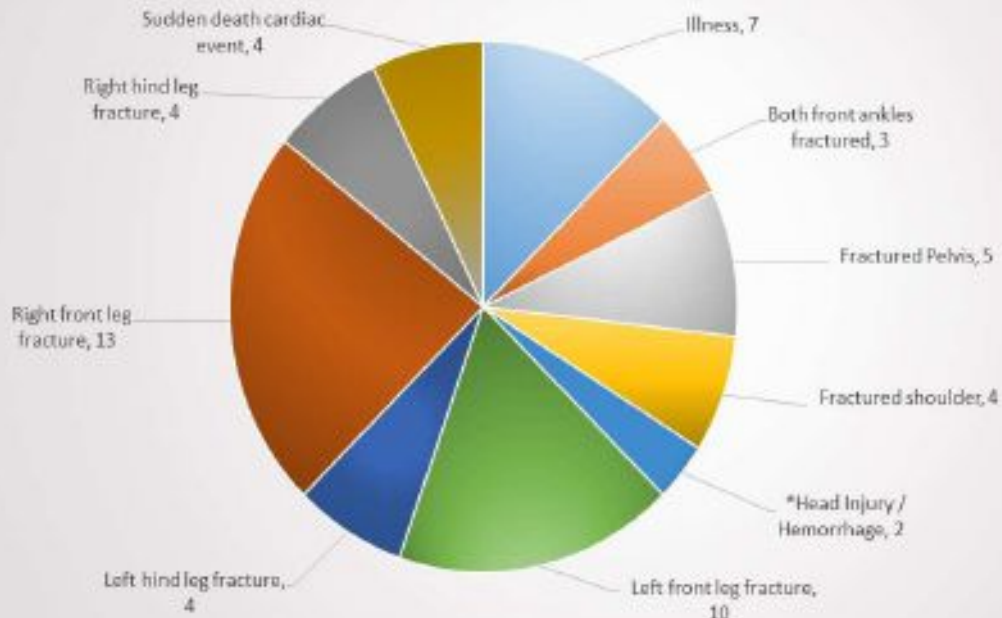
² Equibase (www.equibase.com) is a public online database containing uniform, industry-wide racing information and statistics.

EQUINE FATALITIES
JULY 2018 – NOVEMBER 2019

HORSE NAME	DATE OF INJURY
Unusual Syn	07/08/2018
Jamie's Man	07/14/2018
Sunshine N Rose	09/25/2018
Hey Sal	09/29/2018
Sam's Papa Sterling	10/09/2018
Beau Square	10/18/2018
Zip's Secret	10/25/2018
Tariq	10/26/2018
Brave Mary (SAF)	10/29/2018
Gutsy Kid	11/19/2018
Hyde Park Corner (IRE)	11/28/2018
Diversionist	12/09/2018
Astro Gal	12/10/2018
Psychedelicat	12/30/2018
Tank Team	01/04/2019
Unusual Angel	01/04/2019
Secret Street	01/08/2019
Derby Treasure	01/11/2019
PONY – Henry	01/14/2019
Noise Mandate	01/18/2019
Amboseli	01/20/2019
Like Really Smart	01/21/2019
Last Promise Kept	01/21/2019
PONY – Panchito	01/22/2019
Dancing Harbor	01/23/2019
Spitfire	01/25/2019
Mongolian Hunter	01/28/2019
Kid Cantina	02/02/2019

HORSE NAME	DATE OF INJURY
Comegowithme	02/03/2019
Jager Time	02/17/2019
Unusual Rider	02/18/2019
Hot American	02/22/2019
Just Forget It	02/23/2019
Battle of Midway	02/23/2019
Charmer John	02/25/2019
Eskenforadrink	03/02/2019
Cooney	03/03/2019
Lets Light The Way	03/05/2019
Princess Lili B	03/14/2019
Arms Runner	03/31/2019
Rolling Shadow	04/04/2019
Commander Coil	05/17/2019
Spectacular Music	05/19/2019
Kochees	05/25/2019
Current Times	05/25/2019
Derby River	06/05/2019
Formal Dude	06/08/2019
Truffalino	06/09/2019
American Currency	06/22/2019
Zeke	09/16/2019
Emtech	09/28/2019
Ky Colonel	10/05/2019
Satchel Paige	10/19/2019
GQ Cover Girl	10/25/2019
Bye Bye Beautiful	10/27/2019
Mongolian Groom	11/02/2019

Causes of Horse Fatalities

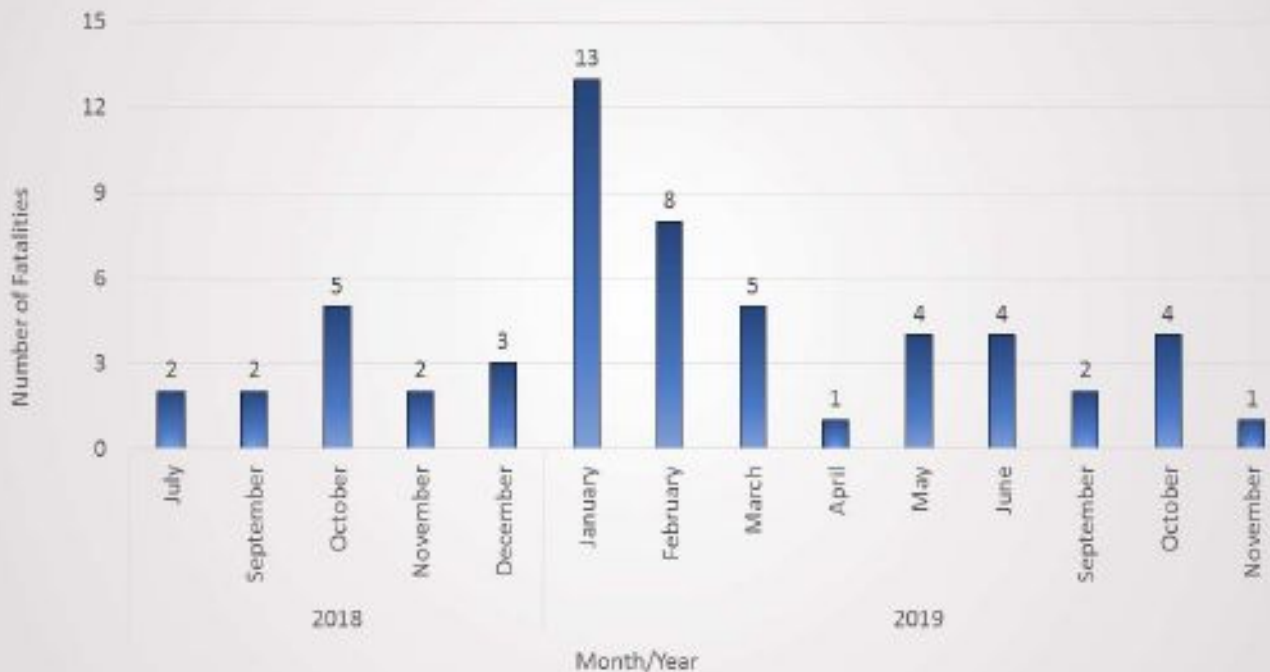


Total of necropsies positive for NSAIDs
30

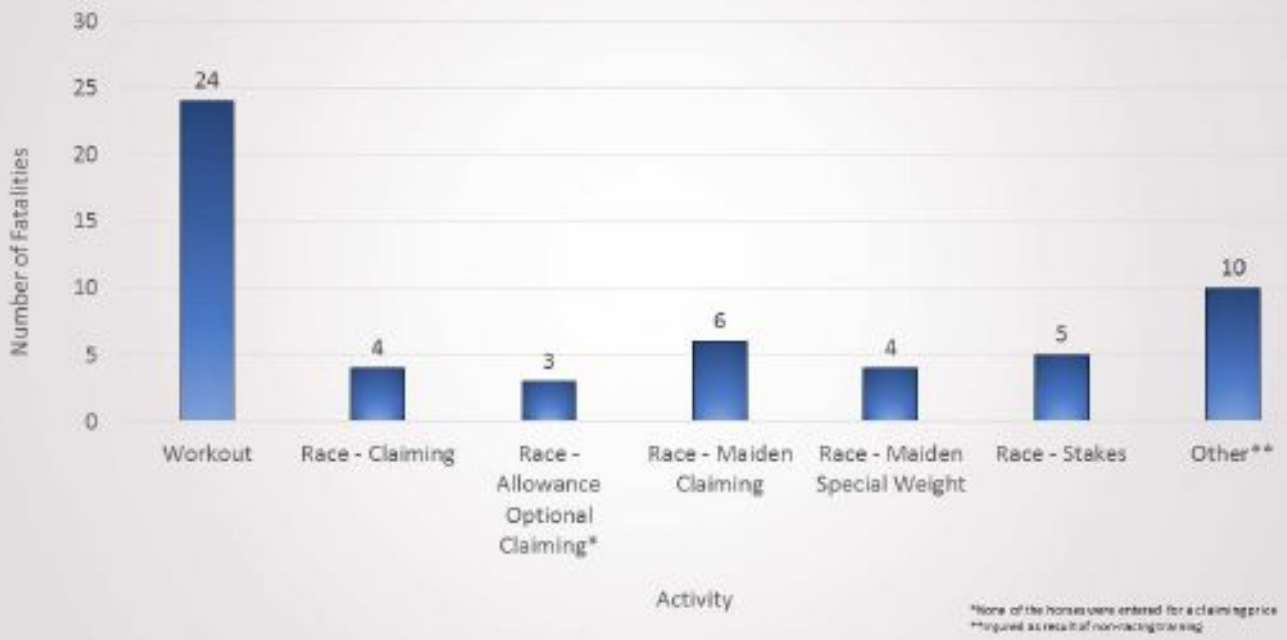
Total of necropsies positive for Lasix
9

*Result of non-racing training

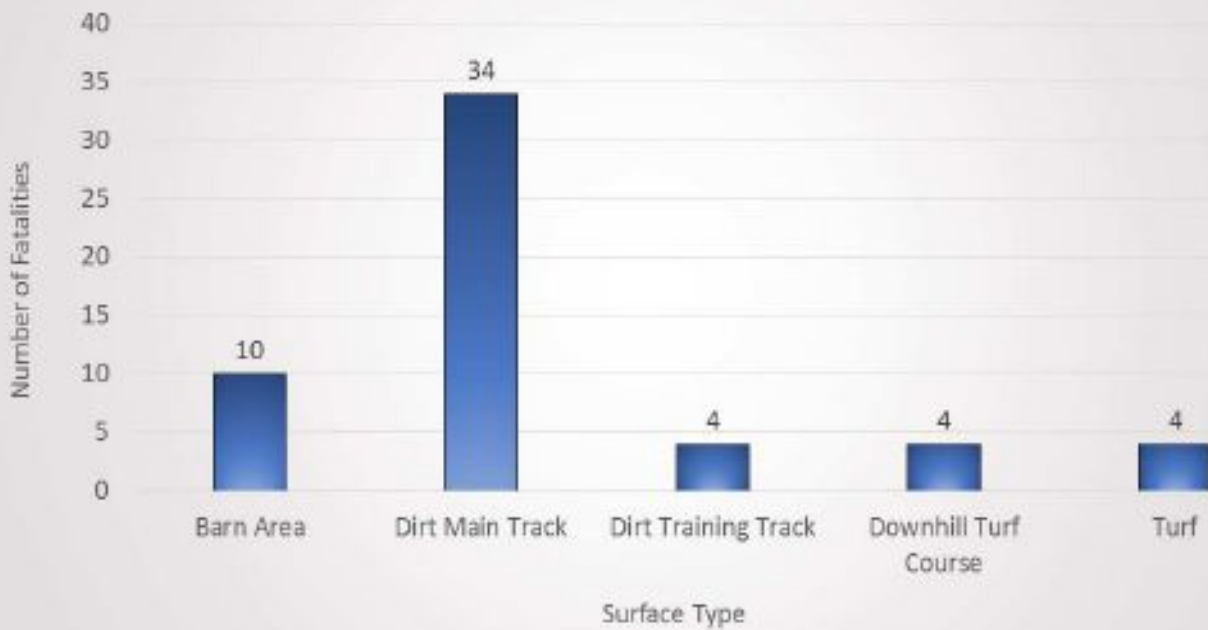
Fatalities by Month of the Year

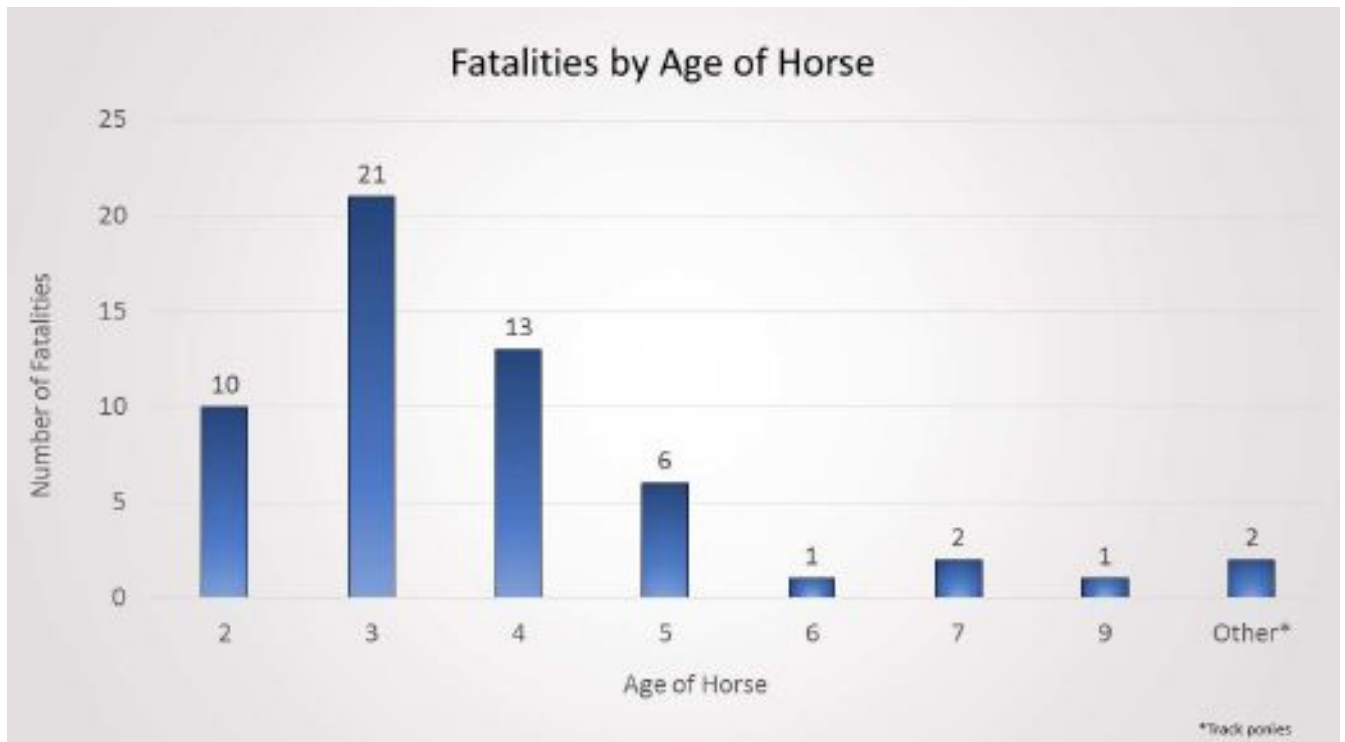
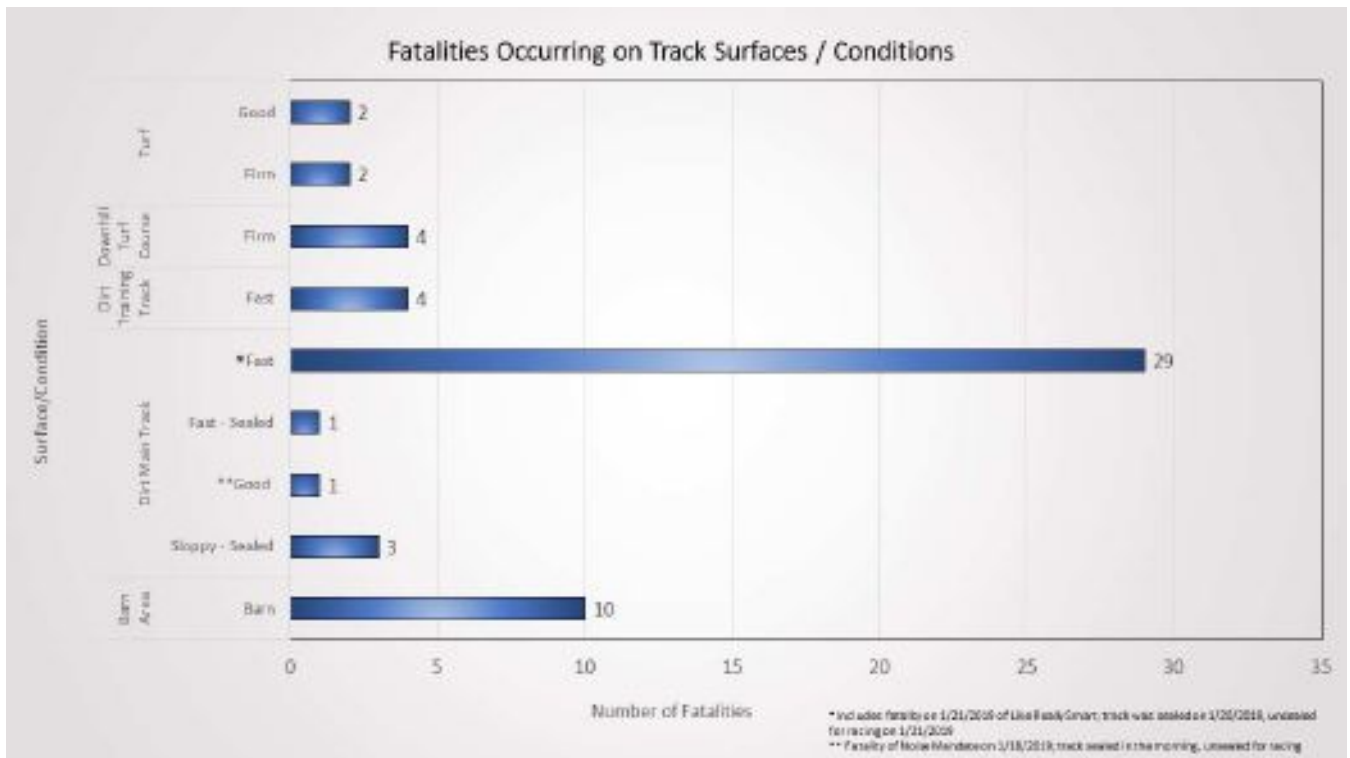


Fatalities by Type of Activity

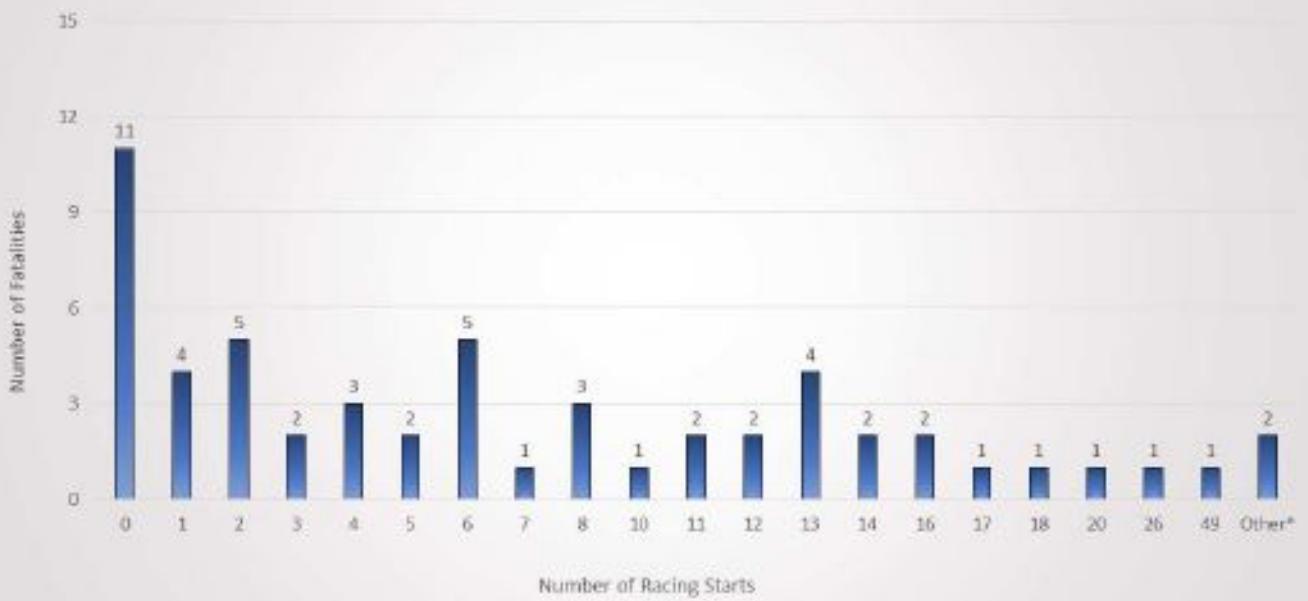


Fatalities by Surface Type



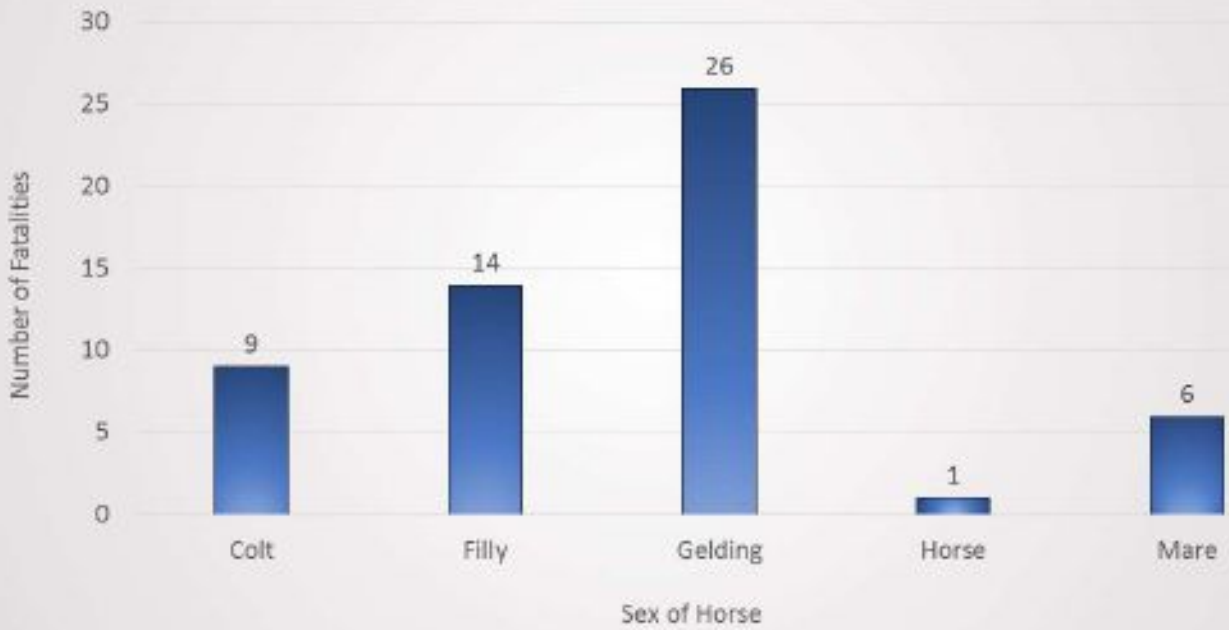


Fatalities by Number of Racing Starts

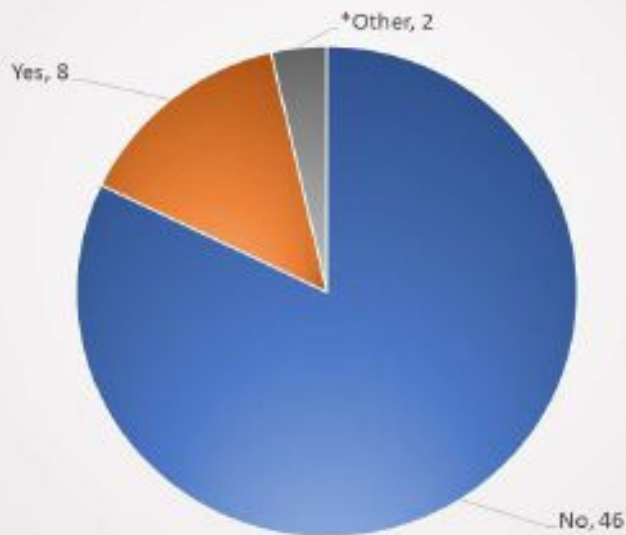


*Black ponies

Fatalities by Sex of Horse



Number of Horses Claimed During Their Careers



*Track ponies

IV. LEGAL ANALYSIS

The District Attorney Task Force concentrated its review on CHRFB fatality reports and documents as well as statements from witnesses, industry stakeholders and experts. The Task Force reviewed hundreds of documents including necropsies, veterinarian records, training records and medication records related to the deaths and conducted numerous in-person interviews of current and former track maintenance experts, Santa Anita executives and employees, Jockey Guild and California Thoroughbred Trainers Association representatives, CHRFB officials, jockeys, owners, trainers and veterinarians.

After an exhaustive evidentiary investigation, the District Attorney Task Force determined there was insufficient evidence to prove criminal animal cruelty or other unlawful conduct under California law.

Horse racing is a lawful California activity regulated and governed by the California Business and Professions Code and the California Horse Racing Board Rules and Regulations. Pursuant to Penal Code Section 597(a)³, animal cruelty exists when a person maliciously and intentionally maims, mutilates, tortures or wounds a living

³ Penal Code Section 597(a) states: Except as provided in subdivision (c) of this section or Section 599c, every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a crime punishable pursuant to subdivision (d).

animal, or maliciously and intentionally kills an animal. Alternatively, pursuant to Penal Code Section 597(b)⁴, animal cruelty exists when a person subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink or shelter ..., in a criminally negligent manner and the person's act or failure to act created a high risk of death or great bodily injury to an animal. Criminal negligence involves more than ordinary carelessness, inattention, or mistake in judgment. A person acts with criminal negligence when his or her act or omission is so different from the way an ordinary, careful person would act in the same situation that his or her act or omission amounts to a disregard for life or indifference to the consequences of that act or omission. In other words, the law describes negligent acts that are aggravated or flagrant and can be characterized as reckless.

V. AREAS OF CONCERN

The Task Force did not uncover sufficient evidence of animal cruelty on the part of Santa Anita Park or any individual trainer, owner, or jockey. The Task Force did identify several areas of concern and possible factors that may have contributed to the deaths. The Task Force probed into the following areas.

Medication

Initially, the Task Force reviewed all of the toxicology reports from the 23 fatalities that occurred during the 2018-2019 rainy season (starting with Psychedelicat on December 30, 2018, and ending with Arms Runner on March 31, 2019). The following eight substances were present in a number of the horses:

- Phenylbutazone (NSAID)⁵
- Xylazine (sedative)
- HEPS (metabolite of the tranquilizer acepromazine)
- Methocarbamol (muscle relaxant)
- Hydroxydetomidine (sedative)
- Flunixin (NSAID)
- Furosemide (Lasix)⁶
- Trichlormethiazide (diuretic)

⁴ Penal Code Section 597(b) states: Except as otherwise provided in subdivision (a) or (c), every person who overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal, or causes or procures any animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses any animal, or fails to provide the animal with proper food, drink, or shelter or protection from the weather, or who drives, rides, or otherwise uses the animal when unfit for labor, is, for each offense, guilty of a crime punishable pursuant to subdivision (d).

⁵ Non-Steroidal Anti-Inflammatory Drug

⁶ Diuretic used to control bleeding

Pursuant to California law and the CHRB rules, none of these medications is illegal to administer to racehorses. CHRB does regulate the amount of certain legal substances in a horse's blood on race day, but there are fewer restrictions on the presence of various substances in the blood of a horse that is training. None of the substances was at levels that would constitute a CHRB violation for a horse that was racing or training.

Track Conditions

Nationwide, horse racing is conducted on three primary surfaces: dirt, turf and synthetic. Horseracing track experts are divided over which track surface is safer and less likely to cause injuries.

All Santa Anita Park races are run on a dirt main track and a turf track. Santa Anita Park also has a dirt training track. Witnesses explained that, during rainy weather, it is customary for track maintenance workers to "seal" the dirt. This process involves compacting the soil to provide a safer and consistent surface for the horses. Some of the witnesses interviewed by the Task Force expressed concern that high speed workouts and racing on a sealed or recently sealed track could cause stress fractures, particularly in a horse's front legs, which could eventually result in catastrophic breakdowns. Four of the fatal breakdowns in 2019 occurred on a sealed track. Two occurred on a track that had been unsealed earlier on race day⁷.

The Task Force interviewed multiple track consultants to determine if Santa Anita Park's track was unsafe during the rainy months in 2018-2019. Track surface experts stressed that the key to track safety is keeping the track surface consistent⁸, and that it is an inconsistent track surface that can lead to injuries. Multiple experts opined that a sealed track surface is more consistent than a dry track and is, therefore, safe.

The Task Force interviewed Dr. Michael Peterson, the nation's leading independent industry expert in racetrack surfaces. Dr. Peterson is a mechanical engineer and University of Kentucky professor, with a Ph.D. in theoretical and applied mechanics. Dr. Peterson was hired by Santa Anita Park to evaluate the dirt track surface following the fatalities that occurred from December, 2018 to March, 2019.

Dr. Peterson believes that synthetic tracks are the safest surface, followed by turf, and dirt. He acknowledged that not all industry experts agree with his position. Dr. Peterson advised that the most important factor in maintaining a safe track is moisture content. Moisture on a track's surface can fluctuate due to different variables, such as uneven sun

⁷ A track is unsealed by use of a tractor which pulls a metal implement with teeth across the track, breaking up the dirt.

⁸ A consistent track is one in which the entire racing surface is uniform. A sealed, wet track is more likely to be consistent than a wet track that is in the process of drying out. Such a track would be considered inconsistent, because different parts of the track dry at a faster rate (for example, the side of the track that is in the shadow of the grandstand will take longer to dry than the backstretch which is in direct sunlight).

exposure. Dr. Peterson informed the Task Force that the practice of sealing dirt tracks dates back 70 years and he believes that it is not unsafe to run on a sealed track.

Dr. Peterson further explained that issues arise in a track's consistency due to the complex decision making process when managing excess water and allowing the track to dry. He noted that Santa Anita Park had an unusually high amount of rain during the time period at issue.

Dr. Peterson believes horse racing safety would be enhanced by requiring racetracks to continuously obtain and analyze data and generate a safety report at the end of every meet. The report should include fatality information, track data, veterinary data, horse history, injury statistics, and current safety research. The data would assist experts to understand breakdown factors and prevent future injuries. Dr. Peterson is in favor of adding as much data as possible when the decision is being made as to whether to cancel racing due to rain or poor track conditions. Dr. Peterson also recommends that tracks install sensors on tractors that measure moisture content all around the track.

Running Injured Horses

During the investigation, the Task Force did not uncover evidence indicating that an owner, trainer or jockey intentionally or knowingly raced an injured horse at Santa Anita Park. Such a scenario could constitute animal cruelty.

The Task Force determined that Santa Anita Park has had a long-standing policy mandating pre-race veterinary examinations before horses are cleared to run in races. In the wake of the fatalities, Santa Anita Park instituted new safety protocols requiring more thorough examinations and reviews of horses' workout history and past performance. The new pre-race evaluations are conducted by a panel of five experts, including veterinarians and safety stewards, who must unanimously agree that a horse is cleared to run. Despite the increased level of scrutiny, racing injuries and fatalities continue to occur.

In many of the fatalities, the necropsies have revealed horses had preexisting medical conditions, but presented as asymptomatic. During Task Force interviews, treating veterinarians, trainers and riders confirmed they did not identify any red flags that would have alerted them to the horses' preexisting degenerative conditions. In an effort to address the issue, Santa Anita Park informed the Task Force that they have purchased a standing PET⁹ scan. This sophisticated medical diagnostic equipment will be used to evaluate a horse's bones and joints to identify any condition that could place the horse at a higher risk for catastrophic breakdown. The equipment will also be used to monitor a horse's full recovery and safe return to training and racing. Santa Anita Park intends to purchase additional diagnostic equipment in the future.

Pressure to Race

The Task Force investigated allegations that Santa Anita Park had unduly pressured

⁹ Positron Emission Tomography

trainers and jockeys to race when there were concerns about weather or track conditions. Investigators interviewed approximately 100 witnesses and found no evidence supporting this supposition. Trainers who receive free stabling for their horses at Santa Anita Park understand they are committing to racing their horses. However, there are no written policies mandating trainers to fulfill a certain number of starts in order to “earn” the free stalls. The Task Force did not uncover any evidence of trainers losing their stalls for a failure to run their horses in enough races. Evidence indicates Santa Anita Park’s racing office encourages participation in racing but does not exert undue pressure on trainers to race their horses. The evidence further indicates that trainers have been allowed to withdraw their race entries without adverse consequences.

VI. CONCLUSION

After a thorough investigation and review of the evidence, the District Attorney’s Task Force did not find evidence of criminal animal cruelty or unlawful conduct relating to the equine fatalities at Santa Anita Park. The Santa Anita Task Force’s investigation is ongoing. The Task Force will continue to look for evidence of criminal activity or animal cruelty and the District Attorney’s Office is prepared to prosecute any violations.

Since the inception of the Task Force, Santa Anita Park and the California horse racing industry have embarked on implementing improved safety policies and practices. To date, enhanced safety efforts at Santa Anita Park have reduced the number of fatal racing and training incidents. During the 19 days from April 29, 2019 to May 17, 2019, more than 7000 timed workouts and almost 800 race starts were recorded at Santa Anita Park without a fatality. After closing day on June 23, 2019, through July 11, 2019, horses continued to train on the track. Santa Anita Park recorded nearly 2,500 workouts and hundreds of additional “gallops” with zero fatalities. The industry as a whole should strive to do everything in its power to achieve these model numbers and continue to trend toward improved safety standards.

The Task Force recommends that the California horse racing industry and regulators coordinate their efforts to formalize strategic safety plans aimed at reducing equine fatalities. Other racing jurisdictions have implemented such plans.¹⁰ To that end, the

¹⁰ On March 21, 2019, the Mid-Atlantic region’s thoroughbred racing industry voted unanimously to formally adopt and fully implement a long-term “Mid-Atlantic Strategic Plan to reduce Equine Fatalities.” The plan was drafted by the New York State Gaming Commission Equine Medical Director and the Chairman of the New York task force, which was initially formed to study the cluster of fatalities that occurred at the Aqueduct Racetrack in 2012. Using the 2012 New York task force Report on Race Horse Health and Safety that analyzed the Aqueduct situation as a starting point, the industry spent more than a year incorporating regional discussion, study, review, and consultation with all of the region’s racetrack operators, horsemen’s organizations, breeders’ organizations, racing commissions and regulatory and racetrack veterinarians to come up with strategies and “best practices” for the plan. The plan incorporates five key goals, including, 1) improved methods to identify horses at increased risk of injury, 2) the implementation of protective factors to reduce the risk of injury, 3) information sharing and communication, 4) improvement of the general health and welfare of the horse, and 5) the establishment of regional safety best practices.

Task Force has compiled the following Recommended Best Practices.

DISTRICT ATTORNEY SANTA ANITA TASK FORCE RECOMMENDED BEST PRACTICES

The Task Force proposes the following recommendations, which are derived from and supported by experts and stakeholders, to improve safety and reduce fatalities in horseracing.

CHRB Investigations

1. Mandate that all racing/training fatalities occurring at CHRB licensed facilities undergo thorough investigations conducted by sworn CHRB investigators. This should include obtaining the necropsy, training records, veterinary records and interviewing the people associated with the training, treatment, and care of the horse prior to the breakdown.
2. Continue to perform postmortem examinations after every fatality. Create a mortality review board for the purpose of reviewing data collected from each fatality and assessing risk factors that might assist in preventing future breakdowns.
3. Prepare an annual racing fatality report that includes all equine fatalities occurring at California racetracks. The report should identify contributing factors and regional risk factors associated with thoroughbred horseracing in California.
4. Evaluate the need to enhance penalties for violations of CHRB rules and regulations. Some penalties do not reflect the severity of the violations and do not serve as an effective future deterrent. For example, a trainer received a 30 day suspension for attempting to run a seriously injured horse¹¹. Monetary fines and short suspensions are appropriate for minor violations, such as medication overages for legal substances. However, longer penalties should be considered in cases of cheating or animal cruelty.
5. Maintain a liaison relationship with the Los Angeles County District Attorney's Office for the purpose of reviewing evidence obtained during CHRB investigations and evaluation of the sufficiency of the evidence presented for potential criminal prosecution.

Identifying Preexisting Conditions in Racehorses

1. Develop a mandatory continuing education program for trainers requiring minimum standards of safety training, compliance, and reporting as a condition of licensure in California. A continuing education proposal mandating 12 hours of training every 36 months is currently pending before the CHRB.

¹¹ This incident occurred at Golden Gate Fields in Northern California in April, 2019.

2. Evaluate the need for continuing safety education for racehorse owners. The training should include teaching owners how to assess a horse's fitness for racing, when to retire a horse from racing, and retirement and aftercare options when a horse has reached the end of its career.
3. Implement policies to create transparency of racehorse veterinary records. Complete, digitized, individual medical records should accompany a horse throughout its racing career. Under present law, there is no requirement for the owners to provide veterinary records to new owners when there is a change in ownership. When owners purchase or claim a horse, they should be provided the horse's health history, including vaccination information, past surgeries, prior injuries, and medication history. Veterinary records should also include documentation of corticosteroid injections, radiographs, ultrasound, or shockwave. Claiming horses should be required to publicly disclose veterinary history at the time the horse is entered into the race. Providing such records will better inform trainers and veterinarians and assist them to accurately assess a horse's condition at the time of the change in ownership.
4. Regulate shockwave therapy¹² to prevent horses from training or racing during a period of reduced pain sensation in the area of treatment.
5. Install a PET scan machine, a Standing MRI¹³ machine and a CT¹⁴ scan at Santa Anita Park's Equine Hospital to assist in diagnosing pre-existing risk factors at the site of an injury.
6. Identify and address the risks associated with year-round racing schedules. Implement institutional breaks to allow horses time to rest.
7. Continue to require all horses to apply to Santa Anita Park for authorization to perform timed workouts. Santa Anita Park should continue to employ additional veterinarians to observe morning workouts and flag "at-risk" horses. Mandate that "at-risk" horses be examined and certified for training and racing by CHRB and Santa Anita Park veterinarians. Assess the feasibility of requiring digital scanning (MRI and PET scan) for this purpose.
8. Formalize the new policies and practices that were put into place in June, 2019, which require five-expert panels to review race entries for fitness. The panels consist of CHRB state veterinarians and CHRB safety stewards who have the power to examine horses' training patterns and veterinary records, and then recommend horses they deem unfit to run be scratched. Santa Anita Park should establish protocols, open lines of communication, and provide an appeals process for trainers when safety panels or track veterinarians have scratched their horses. These policies and practices should be extended to all racetracks in California.

¹² The use of high-intensity pressure waves to stimulate and accelerate the healing process

¹³ Magnetic Resonance Imaging

¹⁴ Computerized Tomography

9. Continue to follow newly implemented CHRB regulations regarding the administration of medications, specifically relating to the interarticular administration of corticosteroids, the administration of NSAIDs, and the use of Lasix.
10. Encourage the reporting of animal cruelty, horses at risk, or suspected illegal practices by implementing a “tip line” and/or displaying posters similar to the “See Something, Say Something” posters used elsewhere.
11. Require video cameras to be installed at every CHRB licensed facility to monitor entry into horse stalls. Install cameras inside stalls or develop other security procedures to ensure horses are not being tampered with on race day.
12. Explore the feasibility of instituting centralized pharmacies and drug dispensaries on racetrack premises to ensure that treating medication is obtained on-site and not from outside sources.

Track Maintenance

1. Establish racetrack maintenance protocols to ensure consistent training and racing surfaces. Santa Anita Park should provide advisories to trainers when racetrack renovations are occurring to ensure informed training decisions.
2. Contract outside track surface experts to evaluate the track surfaces, make recommendations for improvements, and conduct annual drainage and track composition assessments.
3. Establish rain and extreme weather protocols. Santa Anita Park management should consult with track veterinarians, CHRB safety stewards, and jockeys to determine if conditions are safe for racing in inclement weather. Santa Anita Park should cancel racing when rain is consistently heavy throughout the day. Although track experts have repeatedly stated that racing and training on a sealed track is completely safe, a number of owners, trainers, and veterinarians believe that a sealed track is a less forgiving surface on their horses. New policies should be considered regarding the resumption of high speed training and racing after a track has been sealed.
4. Ensure there are dedicated personnel at Santa Anita Park responsible for monitoring and assessing racing, weather, and safety conditions.
5. Evaluate the benefits of converting the training track to an all-weather synthetic surface. This would provide options for trainers to work out horses on either dirt or synthetic tracks.
6. CHRB should utilize the authority given to it pursuant to Senate Bill 469, which allows CHRB to suspend racing without a 10-day public notice period in situations where the safety of horses or riders is at risk.

Legislative and Regulatory Safety Enforcement

1. Create a multi-disciplinary legislative and regulatory working group tasked with identifying the areas in need of safety legislation and regulation. Task CHRB with the formation and maintenance of the working group.
2. Implement laws, regulations and policies aimed at ensuring safety at California horse racing tracks.
3. Create safety codes of conduct for owners, trainers, jockeys, veterinarians and people entrusted with the care and training of racing horses.
4. Create and utilize regulatory enforcement mechanisms to ensure compliance with laws, regulations and codes of conduct.

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