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Criminal Athletes: The Expanding Necessity To Create Uniform Punishments In Professional Sports

BY [MARIA KEFALAS](#) / ON MARCH 9, 2015

On February 19, 2014, Ray Rice, star running back for the Baltimore Ravens, assaulted his then-fiancée, Janay Palmer, in a hotel elevator in Atlantic City, New Jersey. This incident brought an increased level of scrutiny towards professional athletes and their organizations by shining a spotlight on egregious personal indiscretions that had previously been overlooked. The four major North American professional sport organizations (Major League Baseball, the National Basketball Association, the National Football League, and the National Hockey League) have all have dealt with incidents of violence and criminal activity on and off the field, yet there have not been any substantial changes to the policies within the leagues' respective Collective Bargaining Agreements ("CBAs"). It is undeniable that over the past several decades professional sports has been plagued with high profile athletes committing or allegedly committing violent, and occasionally severe crimes—a severe example would be former New England Patriot tight end, Aaron Hernandez, who is awaiting trial in Massachusetts on three separate charges of first-degree murder. While violence off the field has remained consistent, these organizations have not taken any initiatives to find a solution to this endemic problem.

A comparison of 2014 statistics, compiled by *Arrest Nation*, to those of 2011 demonstrates that the problem of violence within professional sports has increased in most cases. In 2014, there were 58 arrests/citations/charges in professional football, 17 in professional basketball, and 4 in professional baseball and 5 in professional hockey. In 2011, there were 49 arrests/citations/charges in professional football, 14 in professional basketball, 14 in professional baseball, and 3 in professional hockey. These statistics reflect athletes who are arrested for both violent and criminal conduct; these arrests range from trespass to driving under the influence to manslaughter and murder. These statistics only reflect active professional athletes; when retired and former professional athletes are included in the sample the statistics increase.

Despite the statistics the four professional leagues fail to address the flaws existing within their respective CBAs regarding players who commit violent actions or criminal activities off the field. These problems stem from the ambiguous provisions that exist in the CBA regarding violence and crimes that lead to the lack of uniform punishments that are handed down to these athletes. This ambiguity leaves room for the players' actions to exist in a gray area and avoid severe punishment for violence and crimes. These types of solutions are inadequate and do not significantly deter athletes from participating in violent and criminal activities. Even

though professional athletes often receive some type of civil and/or criminal punishments, the sports leagues can provide an additional layer of deterrence and punishment for athletes. Frequently, after committing a criminal action, professional athletes return to their teams and continue to benefit from their lucrative salaries and endorsements for the remainder of their contracts.

While each league attempts to resolve the issues that exist within their CBA's independently, these issues remain at the forefront of the sports industry. The Ray Rice incident merely exposed to the NFL and all other professional leagues a problem that has existed for decades and remains unresolved. These incidents place a heightened sense of scrutiny on the league commissioners, the team owners, the senior executives, and the players associations. This scrutiny will become insurmountable if it is ignored and only dealt with on a case-by-case basis. There is a need for reform in the leagues' violence and criminal policies; a widespread reform would help the leagues overcome these deeply embedded issues rather than trying to cover up their old mistakes.

While it is impossible to completely eliminate criminal and violent activities within professional sports, creating uniform guidelines and punishments among the four major professional sports leagues will serve as an additional layer of deterrence. While professional athletes should not ignore criminal law, many times the very people who should be holding them accountable are enabling them. Athletes are paid millions of dollars by their teams and endorsements, and treated like celebrities by the media, which leads some players to believe they stand above normal citizens and, thus, the law. How are professional athletes supposed to learn from their indiscretions if they merely receive a slap on the wrist for their wrongdoing? It is important to realize that a uniform code would not only ensure fairness, but also act as a deterrent. Each player will be aware of the potential consequences of their actions and be required to pay for their violations. Piecemeal amendments to the respective league's CBA, and decisions made solely by the leagues commissioners will not provide uniformity for the players; it will not ensure that the league's procedures and processes are fair and impartial. A uniform guideline for criminal and illegal activities would ensure that a player is treated fairly and without any bias; it will allow the players to educate themselves on the possible consequences, and to understand the foundation of any fines or suspensions that they may receive. The creation of a uniform code for the professional leagues is in the best interest of all of the parties: it will help athletes receive a fair and impartial suspension or fine, and it will relieve the leagues of the intense scrutiny of these processes.

Sources:

Arrest nation the sports arrest database, *available at* <http://arrestnation.com>.

Ken Belson, *N.F.L. Domestic Violence Policy Toughened in Wake of Ray Rice Case*, N.y. Times (Aug. 28, 2014), available at: <http://www.nytimes.com/2014/08/29/sports/football/roger-goodell-admits-he-was-wrong-and-alters-nfl-policy-on-domestic-violence.html? r=0>.

Allison McCann, *The NFL's Uneven History of Punishing Domestic Violence*, FiveThirtyEight (Aug. 28, 2014 8:13 PM), available at: <http://fivethirtyeight.com/features/nfl-domestic-violence-policy-suspensions/>.

Michael McCann, *Why the NBA Won't Touch Its Domestic Violence Policies Anytime Soon*, Oct. 1, 2014, available at <http://www.si.com/nba/2014/10/01/nba-domestic-violence-policy-michele-roberts-jeff-taylor>; MLB, *Union Meet to Establish New Domestic Violence Guidelines*, Sept. 19, 2014, available at <http://www.foxsports.com/nfl/story/mlb-addressing-domestic-violence-issues-after-nfl-problems-091914>.

MLB, *Union Meet to Establish New Domestic Violence Guidelines*, Sept. 19, 2014, available at <http://www.foxsports.com/nfl/story/mlb-addressing-domestic-violence-issues-after-nfl-problems-091914>.

Tierney Sneed, *How the NFL Rule Change Could Force the Hand of Other Pro Sports*, US News, Aug. 29, 2014 3:55 PM, available at <http://www.usnews.com/news/articles/2014/08/29/how-the-nfl-rule-change-could-force-the-hand-of-other-pro-sports>.

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