TortsCenter | Episode 8

“Gambling and Harassment: Wyoming’s Game-Changing Ban”

[00:00:00]

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A special note. This month's episode of the Tort Center podcast contains discussions of harassment and threats related to gambling and sports. The content may be graphic or unsettling for some listeners. We encourage you to use discretion and prioritize your comfort while listening.

Happy New Year, everyone. Welcome back to our first episode of Tort Center podcast of 2025. We have an exciting and timely topic today that we touched on a little bit in a previous episode with our special guest, Jason Van Hoff.

Who is the vice president of investigations at U. S. Integrity. Jason spoke a little bit with us about gaming, gambling and some abuse that the athletes see. There's a new update regarding the Wyoming gaming commission and their vote to ban gamblers who are found to have threatened or harassed athletes [00:02:00] and other participants of athletic competitions.

When Jason was on, he told us a little bit about The harassment that athletes, officials, and even coaches see when it affects their own gambling and their

parlays. Carla is going to tell us a little bit about this new ban and how it is going to affect legislation in Wyoming and future impacts in other jurisdictions.

Carla Varriale-Barker: Thanks, Courtney. So last month, the Wyoming Gaming Commission did something very interesting. And since Tort Center is particularly interested in abusive and harassing behavior in sport, obviously the two of us are interested in things like discriminatory conduct in sport that is targeting somebody based on their sex, also their sexual preference or identity.

And a host of discriminatory issues that may pop up in [00:03:00] sports. This piece of legislation caught my attention last month, the Wyoming gaming commission unanimously passed this law and it changes the regulations to define the harassment of athletes. In a certain way, Courtney, could you elaborate for us on what the quoted language in this legislation is, and I'll elaborate on why I think it's important for other states and sports as a whole.

Courtney Dunn: Yeah, of course. It looks like Wyoming is not the first to do this. Ohio and West Virginia had already passed some rules or regulations that were designed to protect athletes from harassment that's related to gambling. The Wyoming Gaming Commission defined harassment as To engage in conduct, including but not limited to verbal threats, written threats, electronic threats, lewd or obscene statements or images, [00:04:00] vandalism or non consensual physical contact directed at a person that the offender knew or should have known would cause a reasonable person to suffer a substantial emotional distress.

Substantial fear for their safety or the safety of another person or substantial fear for the destruction of their property. So when I read that, Carla, I'm thinking, how bad does this really get? You know, people gamble and how upset do they get that they will do something that will cause substantial fear in an athlete?

But I think you'll talk about it a little later in a study that was done. There are examples of tweets and online posts that are horrible. They're bad. They're scary. They're threatening. They're not what I was thinking at all when I read this.

Carla Varriale-Barker: And what's interesting about that study, it was commissioned, I believe, by the NCAA.

It came out in October. It is limited to public posts, and there is a volume of them. They are truly horrible and [00:05:00] directed at the athletes. And let's

keep in mind, this includes college athletes. So, young people who are the subject of this sort of online abuse. It's prolific, it is transphobic, it is discriminatory, it threatens violence against these individuals.

And the NCAA was careful to point out in the report that this doesn't even include something like direct messages. Right. So what's interesting is Wyoming doesn't even have a professional sports team. However, Wyoming does have a division one University of Wyoming presence. And I think it's showing real leadership here.

And I was encouraged to see that states like Ohio and West Virginia. which are places where the firm has a presence. So I was [00:06:00] particularly interested in the impact on this new law so that I could share it with our colleagues. It's a forerunner, but I think that New Jersey, if I am understanding the trajectory of this sort of legislation, Is also interested in pursuing the sort of legislation that would protect athletes and weed out the bad actor, gamblers or betters who are making things awful for others, what would happen is that the gambler or better Would go on a prohibited list based on this sort of conduct, and they would not be able to bet or engage on any licensed or regulated sports books.

A big deal for somebody for whom betting in gambling is an important part of their life and their day to day activities. [00:07:00] I also think that the legislation is important because it includes officials and coaches who may also. Be subject to this sort of conduct. So I think it's good to weed out the bad actors.

I think it is important to penalize people who harass athletes. Coaches officials, because when you read the study, the sheer volume of haterade directed at these people has to have a mental health component. And again, some of the commentary is directed towards protected characteristics. It's just harmful.

It's wrong. It's just ugly to read. Could you elaborate a little bit on what you saw in the study and what you think might be the impact?

Courtney Dunn: Carla, I know you read through these too, but these are really hurtful and our listeners may want to [00:08:00] hear so they can understand what we're talking about. Some of these tweets went so far as to say You are a disgusting waste of a vagina.

Another one just says, I hope your family dies and tags the player that they are addressing. One that I think is actually very threatening and scary, and I'm sure this person did too, is I am in Cleveland and I'm going to wait for you outside the arena to beat the fuck out of your knees with a spiked baseball bat, bitch.

Carla Varriale-Barker: Yeah, we apologize for the graphic language, but it's a good illustration of just how harmful and how hurtful some of these messages are to the athletes. Again, we're talking in many instances about people who are in college. They're young people. This is scary and awful stuff. And I'm glad that a state [00:09:00] like Wyoming took this to heart.

Courtney Dunn: Something that struck me in this study was, I'm thinking, well, once I see how bad these comments get, when they're literally saying, we will wait outside of this stadium or this gymnasium for you and hurt you in some way, and I'm saying it in a much more muted tone than these comments are. Tweets actually read, I'm thinking high stakes games, right?

March madness. We know that's a big betting event, but it's not limited to that. It's just as present in gymnastics and sports that, you know, are still important, of course, but you don't think of as one of those main sports that people get to their gambling on. So that makes me think. This is just a widespread thing, right?

There's no slowing down for this. It's not at just the major sporting events that everyone tunes in for. I also found it interesting that I was trying to figure out how more likely it is for a female athlete to endure this type of online [00:10:00] abuse than a male athlete. And it looks like the study didn't have a great idea of this because there weren't a An equal amount of participants, but it's probably something that it looks like they're going to look into as a way of trying to tone down those total messages and the messages that are flagged this study also used a I, which I thought was interesting to go through Twitter, go through the tweets and pick out those ones that are obscenely bad.

I could pick it out. Um, so the idea was that there is more abuse going on that may not have been caught by AI and it's, it's not slowing down. So I thought that was a good showing that this is more widespread than you think. And they also broke down kind of categorizing the abuse that we see online. So mainly there was general abuse.

and sexual abuse, which I think sexual abuse is more surprising because, you know, I'm thinking people are [00:11:00] gambling. They're watching a game. They don't like a shot that was missed. They don't like how someone is playing. They fire off a tweet. These seem pretty targeted. These are details about people, details about their family that are being threatened.

So it does seem very concentrated and Specific to these athletes. Lower on the list, but still prevalent. There was homophobia and transphobia, racism,

violence, and sexism. So it's pretty much across the board. The number one sport that these tweets were geared toward. Can you guess what it was? If you don't know already, I'm going to guess.

Basketball? Women's basketball. Yeah. It's shocking, right? And the next men's basketball, baseball, football, softball, volleyball, gymnastics. I was surprised that women's basketball was the number one. I know in New York, women's basketball is popular. We have a great team, but I was surprised to see that so many of these are geared [00:12:00] toward women's basketball specifically.

Carla Varriale-Barker: Women's sports leading the way, just not in the way you would expect. Back, let me do a deeper dive. The reason that AI was utilized was because the idea of being able to gain access to the athletes, coaches, officials. Direct messages, I think would have been a challenge and might have even met with some resistance who wants to throw open their direct messages.

So AI was used with respect to publicly available messages, tweets, et cetera. And I would describe the volume as a barrage. Of negative, hurtful, and harmful comments. And let me just note that the study did find that there were 59 percent more abusive messages directed to women [00:13:00] than men. Which I found surprising and disturbing.

And if we are interested in curbing sexism and discrimination in sports, this should get our attention. Likewise, if we are interested in the mental health and well being of athletes, and let's add in coaches. And officials, this is an important study and it's a starting point, but not an ending point. I think weeding out the bad actors is good, but what else, Courtney, do you think might be some steps to take in light of this data that has been uncovered as of last month or October when the study came out?

Courtney Dunn: And number one issue, I think there are so many incentives for, say, college athletes, right? I think so many states do a [00:14:00] good job and big schools of getting the athletes that they want there. And it makes me wonder if this is something and people may say, Oh, it's just a tweet. Oh, it's just words. It makes me wonder if this is a deterrent to college athletes specifically who are young, who are already under enormous stress with their school load, plus this big role they play on their team.

I think important steps are continuing to monitor this. And like you said, this is just the beginning of what they're trying to do. The NCAA study breaks down the gravity of abuse into three or four tiers. So it depends on whether. The

language that is seen in the tweet is threatening or if it's kind of just a level where they say they would expect action on.

Those ones are kind of just review. So the lower tier abuse as they're following it. Stays under review. Those gamblers are [00:15:00] monitored. I wonder if there is something more to do once that tier 0, the lowest tier language is seen as opposed to monitoring. I wonder if there is a fine or some kind of something that would go out to that person to show, Look, we're watching you and this is going to be something that is addressed.

If you proceed, if this gets more serious as time goes on, because I think people who are willing to put this type of language right there in the open, as we said, it's public comments. I think they're willing to take it further if they're getting away with it. So I think that that is something that can be done earlier at the outset instead of waiting until it gets to that tier three abuse, which is considered egregious.

It reaches the criminal threshold. Right. Threats of violence. It is serious. And I think people look at it and say, you know, you see some comments online regarding this ban in [00:16:00] Wyoming. And it seems to be considered part of this atmosphere, sports. People say what they want. People get mad. How many games have you been to?

Even with young kids where people are screaming at the ref, people get thrown out of games. But it gets too serious and it's not just the atmosphere that we can use as an excuse to allow this to go on.

Carla Varriale-Barker: All good points. I also think of this as a jump off point. First of all, hats off to Wyoming and respect to Wyoming for taking a leadership role and joining states like Ohio and West Virginia.

I'd like other states to take a look at this type of legislation as well and be proactive in weeding out the bad actors or people who don't have impulse control or know how to behave towards athletes in general. They shouldn't be allowed to inflict harm on another individual just because they're [00:17:00] out there performing at their sport.

It's wrong. And it shouldn't be. Next, I think of this particularly because the study emphasized that the flashpoint for some of this abuse seems to occur around basketball and March Madness, maybe an education campaign about the sort of conduct that it is something that is transparent. People can see your online behavior.

It's wrong. I think just exposing the sheer number of harmful tweets and online abuse, emphasizing that they are contrary to community guidelines on social media platforms. It's just wrong. Don't do it. You're causing harm to another person. It's not in the spirit of sport. I think an education campaign that would tie in with [00:18:00] the upcoming March Madness is a great idea.

Why not? In addition to weeding out the bad actors. But because we are tort center, do you see the potential for causes of action against some of the bad actors that we're talking about here in order to hold them accountable for inflicting harm on others? What are some potential causes of action or avenues under tort law or criminal law that you can foresee being applied, particularly if somebody is a repeat offender?

Courtney Dunn: Yeah, I think the first one that comes to my head, and maybe it's just because I've just read these tweets and I'm thinking, oh my God, they're scary, right? And we see the impact they're having in a tort focused world is intentional infliction of emotional distress.

Carla Varriale-Barker: What do you think? I do think there's an element of intentional infliction of emotional distress and some [00:19:00] of the elements of intentional infliction of emotional distress, for example, here in New York, may not be a cause of action that is available everywhere, you know, extreme and outrageous conduct.

And if you go to the NCAA study, the specific examples that are provided Do strike me as extreme and outrageous conduct that are outside the bounds of what is acceptable, commentary, etc. Online harassment, I think that maybe if you live in the states, Ohio, West Virginia, Wyoming. Look at what the online harassment or other types of harassment criminal statutes are.

There might be some relief available that way as well.

Courtney Dunn: You know what I keep thinking of? And that's why I'm thinking so much of it. Oh my God, how the effect this must have on athletes. [00:20:00] Jason, when he was on, had told us that About a prior incident where a basketball team and I can't remember which sent on a, I think they were losing and they put a player on who wasn't one of the star players, didn't play much and he ended up having a fabulous game, turned the whole game around for this team.

Great, exciting, probably a huge turning point in his athletic career and his family was probably thrilled. But the bettors, who betted against that game,

were obviously not happy about it, right? Because that team was expected to lose, this no name guy comes out all of a sudden, wins the game for everybody.

So this kid, this student athlete, ended up having a huge game that was going to change the projection of his career, and he faced these types of threats in these three years. Really terrible tweets. And I believe he got letters to the school. So it really shows, I think how wide the effort has to be to address these [00:21:00] concerns.

It's not just. Okay, people want these athletes to play a good game and I think that goes into how serious this is and what the legal ramifications could be.

Carla Varriale-Barker: I'm always a fan of education and if you can hold up a mirror to the people who are spewing these hateful, sometimes threatening violence. sexist, homophobic, just awful commentary and educate them about the effect that they are having on, let's not forget, some of the athletes that we're talking about here are college athletes.

The mental health effect, particularly when it's magnified times over. A hundred or a thousand such tweets. I think that an ounce of education is worth a pound of prosecution. Let's educate fans and [00:22:00] betters about what is appropriate conduct. Let's use the community guidelines on some of the online platforms like Twitter, now known as X, Facebook, et cetera, to take down and moderate.

This sort of conduct, I think that prosecution or banning someone or putting them on a prohibited list for life is the extreme end, but in certain instances, it may be warranted. I think it's a flash point now that. Sports betting is out in the mainstream and it's something that is common to sports and to everyday life, recreation, entertainment.

I think that this is a natural outgrowth of the proliferation of Sports betting and letting people know what sort of conduct is acceptable and what's not. And by the way, there's a human being on the [00:23:00] other end of that tweet who is probably receiving this sort of commentary, not just from you, but for others and learn what is crossing the line.

Zero tolerance for homophobia. Zero tolerance for sexist and violent commentary. Don't suggest that there's some sort of nefarious conduct like match fixing or throwing a game at issue. It's harmful. It's hurtful. It just doesn't have a place in sports.

Courtney Dunn: Carla, I didn't notice when I was reading through the study, maybe you did, because I kind of focused on the online messages that are being put up.

I see a reference to personal attacks after games. Did you read anything about these people, these quote unquote fans, actually doing anything after a game in person, or does this refer to tweets that are servicing after games? [00:24:00] But do people wait outside the stadiums and call out to them or hackle or anything like that?

Well,

Carla Varriale-Barker: I'm sure there's heckling, but are you referring to stalking or in person versus online harassment? There should be, there should be a criminal statute for that. And I think that that would also be grounds for finding yourself on the prohibited list. List and being excluded from being able to participate in licensed or regulated sports books.

I think the study focused on online and we do talk about a host of online behaviors that are unacceptable on Instagram and Twitter. I mean, I'm thinking to myself about. Body shaming, I'm thinking about harassment that has nothing to do with sports that finds somebody violating the community guidelines and [00:25:00] being banned or taken off of an online platform.

People need to understand at what point does it cross the line. Is it something that is more targeted and hurtful commentary, certainly showing up after a game to harass or taunt an athlete is another level of harmful conduct. But I think it's important that we find ourselves now with at least three states that are willing to take this on and likely more to follow.

I do hope that New York takes this

Courtney Dunn: issue up. Definitely. I think it's going to be interesting to see how different jurisdictions address this and how they work with the definitions and the testing and monitoring that Wyoming has set forth here.

Carla Varriale-Barker: Yeah, I think of New York in particular because there is a code or a statute that's [00:26:00] already on the books.

That has to do with causing harm to a sports participant. And it is punishable by criminal law or a financial fine. And this could include things like causing physical harm to a security guard. It could have to do with. Harassing or

inappropriate behavior while you're at a sports stadium. This might be as we get closer to the start of let's say baseball season.

Maybe this'll be a topic for a future podcast. When good fans go bad and cross the line and what are some of the remedies, whether it's in tort law, criminal law. Whether it's community online guidelines or codes of conduct at sports and recreation venues and facilities. I think that might be something for us to take on as we get closer to the start of baseball season.

What do you [00:27:00] think?

Courtney Dunn: I agree with you. I think we'll, that'll be something that will be great. Not only for a tort center to keep everyone updated on where this is going and how it is going, but I think it'll be interesting in a legal sense to see what unfolds there.

Carla Varriale-Barker: Yeah. And hat tip to Jason von Hoff for tipping us off to this.

change in the law in Wyoming and what looks like could be a positive trend across the country. Thanks, Jason. Keep us informed.

Courtney Dunn: Thank you all for tuning in to our latest episode of Tort Center. Hopefully you stay up to date on this case study and the Wyoming ban and how it will be impacted across the nation.

Tune in on Podbean or Apple podcasts, and don't forget to rate, review and subscribe. Thanks [00:28:00] everyone.