

# WORLD RUGBY DECISION

|                |                                 |             |                                   |
|----------------|---------------------------------|-------------|-----------------------------------|
| Match          | ENGLAND U20 V SAMOA U20         |             |                                   |
| Player's Union | SAMOA                           | Competition | World Rugby U20 Championship      |
| Date of match  | 31 <sup>st</sup> MAY 2017       | Match venue | Avchala Stadium, Tbilisi, Georgia |
| Rules to apply | Tournament Disciplinary Program |             |                                   |



## PARTICULARS OF OFFENCE

|                  |  |               |              |
|------------------|--|---------------|--------------|
| Player's surname | Filipo   | Date of birth | 29-12-1997   |
| Forename(s)      | Losi   |               |              |
| Referee Name     | Daniel Jones (Wales)                             | Plea          | Not admitted |
| Offence          | Law 10.4 (e) – Dangerous tackling of an opponent | SELECT:       | Citing       |

## HEARING DETAILS

|   |                              |                  |  |
|---|------------------------------|------------------|--|
| Hearing date                            | 1 <sup>st</sup> June 2017    | Hearing venue    | Avchala Stadium, Tbilisi, Georgia          |
| Chairman/JO                             | Mike Hamlin (England)        |                  |  |
| Other Members of Disciplinary Committee | N/A                          |                  |  |
| Appearance Player                       | YES <input type="checkbox"/> | Appearance Union | YES – Assistant Coach, Manager and Captain |

## SUMMARY OF ESSENTIAL ELEMENTS OF CITING/REFEREE'S REPORT/DVD FOOTAGE

The Player in the 6<sup>th</sup> minute of the match was yellow carded for a dangerous tackle on England No 9. The referee was Daniel Jones (Wales). His report stated:-

“Samoa kicked off (restart) to an England player just inside their own 22m line. The Player (Samoa No 11 went in to make the tackle and led with his right arm into the neck/face area of the England player. I felt this was with moderate force and the player was lowering down. Also a yellow card was given.”

Murray Whyte (Ireland) was the appointed Citing Commissioner. He upgraded the yellow card by citing the Player. The citing report dated 31<sup>st</sup> May stated:-

“No 11 Blue strikes No 9 White above the line of the shoulders making contact with the neck and lower jaw, while No 9 White is catching ball.”

The DVD clips of the incident which were shown in normal speed and 25% of normal speed, show the Player running at speed from the kick off towards where the ball is alighting into the arms of E9. As the Player approaches E9, E8 steps into the Player’s line of running as the Player is approximately 1-2 metres from E9 and there is some contact between the respective hips of E8 and the Player which checks the Player’s speed slightly and the Player can be seen to slightly lose balance as he approaches E9 and comes into contact with E9. As E9 catches the ball the player’s right fore-arm comes into direct contact with E9’s lower jaw/mouth area which then falls to E9’s shoulder area as the Player grasps E9. The player’s left arm does not come into contact with E9’s torso simultaneously with his right arm but does so immediately thereafter. As E9 catches the ball he moves off his right foot and lowers his head and shoulders only very slightly. E9 as a result of the contact falls to the ground on his back. There is no significant player reaction as the Referee blows his whistle immediately, penalises the Player and issues a yellow card.

The Player admitted his conduct amounted to foul play but denied that his conduct merited a red card, stating that the yellow card was the correct sanction. Kolose Feaunatiu, the Samoan Assistant Coach, submitted that the Player’s conduct did not justify a red card on the facts of the incident as alleged in the Citing Report. Whilst the Citing Report was accurate factually, it did not take into account the following features of the whole incident. Firstly, E8 commits an offence by stepping into the Player’s line of running causing E8’s hips to come into contact with the Player’s hips, checking his speed and line of running as he prepares to tackle E9. Secondly, as a result of the actions of E8, the Player loses balance to the extent that it impacts on how he executes the tackle falling forward as he comes into contact with E9. Thirdly, the contact with the head was a combination of bad timing, the above two factors and the fact that the Player closed his eyes as he tackled E9. The contact with the head was not intentional nor malicious. For the avoidance of doubt, I advised the Player and his representatives at an early stage in the hearing, that I was satisfied that the conduct was neither malicious nor intentional.

The Player reviewed his actions on the DVD with me. He said that at kick offs his function is to run at speed to put as much pressure on the receiver as he can and if possible tackle the receiver. On this occasion he was running at speed and close to executing the tackle when E8 stepped into his line of running, checking his speed and causing him to come off balance and affect the execution of his intended tackle. After contact with E8, he maintained his intention was to tackle E9 on his upper torso. He was knocked off balance and closed his eyes whilst simultaneously keeping his right arm in a position to tackle E9’s upper torso. He did not aim for E9’s head. He did not know why he closed his eyes, possibly as a result of the contact with E8 and could not be sure whether he normally closed his eyes when tackling an opponent. He accepted, however that his forearm came into initial contact with E8’s lower jaw area. He also accepted that this contact did result in E8 being knocked to the ground. He did not seek to challenge the medical evidence.

Dr. Riley (England) provided a short injury summary of England No 9 . The report stated that “No 9 took a blow in the face from a high arm early in the game. Impact to mouth and nose causing immediate nose bleed which was addressed by pitch side medic. No head injury per se. Tactically substituted at around 60 mins. Post match examination confirms old blood in nostrils. There is bony tenderness of the nasal bridge and both nasal alae. There is minimal swelling. Evidence of previous septal and nasal deviation to left. Both nostrils patent. No septal haematoma. There is no tenderness of facial bones in particular of mandibles, maxillae or frontal bones. Lips swollen especially upper lip. Teeth aligned, no malocclusion, no dental tenderness or bleeding but right incisor is loose. Treatment plan: analgesia as required, ice cube massage, review 1<sup>st</sup> June. Monitor potential need for dental intervention.

I would anticipate that he will be fit to train in two days time (next training session) and fit for selection for the next game, assuming that there are no dental complications.

For information, our player has asked that the Samoan player not be suspended.”

#### FINDINGS OF FACT

1. The Player ran at high speed and on his own evidence, intending to pressurise and/or tackle below the shoulder level (not at waist height) the ball receiver.
2. E8 illegally stepped into the Player’s line of running, probably to protect the ball receiver and to impede any would be tackler.
3. The Player was slightly knocked off balance but not to the extent it caused him to lose control of his body, arms or actions.
4. The player maintained the position of his arms and in particular his right arm to tackle E9 in the upper torso region.
5. E9 did move to step off his right foot on catching the ball, as he is entitled to do and which any would be tackler should know or be aware of. E9 consequently lowered his height but only very slightly and not to any material extent.
6. The inner right forearm made initial direct contact with E9’s head, namely in the lower jaw area. The force of the contact between the Player’s inner right forearm and E9’s head was considerable, not minimal or moderate, as the contact caused E9 to fall onto his back and sustain the minor injuries referred to in the medical report.
7. Based upon these findings of fact the Player’s conduct was reckless. The Player should have known or realised that by maintaining his intention to tackle the upper torso area of E9 and the position of his right arm whilst running at speed, (notwithstanding the actions of E8), there was a risk of his right arm coming into contact with the head or neck area of E9.

#### DECISION

Breach admitted

Citing Proven – the actions of the Player warranted the issue of a red card.

## SANCTIONING PROCESS

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### ASSESSMENT OF SERIOUSNESS

|   |  |
|---|--|
| Assessment of Intent – R 17.19.2(a)-(b)   |  |
| Reckless <input type="checkbox"/>   |  |
| State Reasons   |  |
| Based upon my factual findings, the DVD evidence and the oral evidence of the Player, he did not act maliciously or with intent. He was reckless as to his conduct, he closed his eyes at the point of contact, ran at speed and by maintaining the position of his right arm to tackle the ball receiver in the upper torso region he should have been aware that there was a risk that his arm may come into contact with the head/neck area of E9. This was not an accidental collision or what is sometimes referred to as an unfortunate rugby incident. The direct contact with E9's head could have been avoided by intending to tackle at lower than chest high height and by adjusting the position and height of his right arm. |  |
| Gravity of player's actions – R 17.19.2(c)  | Nature of actions – R 17.19.2(d)   |
| Contact with the head area of an opponent is a grave offence, given the risk of serious injury and/or concussion.   | A strike to the head of an opponent with considerable force by the Player's right inner forearm.                                       |
| Existence of provocation – R 17.19.2(e)   | Whether player retaliated – R 17.19.2(f)   |
| None  | None   |
| Self-defence – R 17.19.2(g)   | Effect on victim – R 17.19.2(h)  |
| None  | E9 was able to play on after receiving on pitch medical treatment for a bleeding nose as per the medical evidence                      |
| Effect on match – R 17.19.2(i)  | Vulnerability of victim – R 17.19.2(j)   |
| None  | E9 was watching the ball alight in his arms, he would have expected to be tackled but not at head height and was therefore vulnerable. |
| Level of participation/premeditation – R 17.19.2(k)   | Conduct completed/attempted – R 17.19.2(l)   |
| There was no premeditation.   | Completed.   |
| Other features of player's conduct – R 17.19.2(m)   |  |

None, save that I have carefully considered the actions of E8 which did have a slight impact on the Player's actions but not to the extent that he lost control of his body/arms and therefore do not exonerate the Player from the consequences of his actions.

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**ASSESSMENT OF SERIOUSNESS CONTINUED**

| Entry point              |              |                  |          |              |                          |
|--------------------------|--------------|------------------|----------|--------------|--------------------------|
| <u>Top end*</u>          | <u>Weeks</u> | <u>Mid-range</u> | <u>6</u> | <u>Weeks</u> | <u>Low-end</u>           |
| <input type="checkbox"/> |              | X                |          |              | <input type="checkbox"/> |

\*If Top End, the JO or Panel should identify, if appropriate, an entry point between the Top End and the maximum sanction and provide the reasons for selecting this entry point, below.

In making this assessment, the JO/Committee should consider World Rugby Regulations 17.19.2(a), 17.19.2(h), and 17.19.2(i) or the equivalent provisions within the Tournament Rules referred to above.

| Reasons for selecting Entry Point above Top End |
|---|
| Not Applicable                                  |

**ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS**

|   |
|---|
| Player's status as an offender of the Laws of the Game – R 17.19.4(a) |
| None  |
| Need for deterrence – R 17.19.4(b)                                    |
| None  |
| Any other off-field aggravating factors – R 17.19.4(c)                |
| None  |

Number of additional weeks:

**PAGE 5** **RELEVANT OFF-FIELD MITIGATING FACTORS**

|   |   |
|---|---|
| Acknowledgement of guilt and timing – R 17.19.5(a)  | Player’s disciplinary record/good character – R 17.19.5(b)        |
| Admitted foul play but not that it merited a red card, which on the facts was not unreasonable. | No previous dismissals/sanctions imposed by a disciplinary panel. |
| Youth and inexperience of player – R 17.19.5(c)   | Conduct prior to and at hearing – R 17.19.5(d)                    |
| He is only 19 years of age, therefore in adult terms young and inexperienced.                   | His attitude and conduct before me was exemplary.                 |
| Remorse and timing of remorse – R 17.19.5(e)  | Other off-field mitigation – R 17.19.5(f)                         |
| Immediate and repeated at the hearing.  | None relevant   |

In accordance with the Regulations whilst the Player did not accept that his conduct merited a red card I was still satisfied that in the circumstances of this case it was not unreasonable to find that all mitigating factors were present and therefore reduce the sanction by 50%. In reaching this conclusion I noted that the Referee awarded a yellow card but he did not have the benefit of hearing the Player and carefully reviewing all the evidence as I did. There will be cases where it is entirely appropriate not to award a 50% reduction from the entry point, this in my judgment is not one of them.

Number of weeks deducted

**SANCTION**

**NOTE:** PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 17.14.5(f)

|                    |                           |                            |
|--------------------|---------------------------|----------------------------|
| Total sanction     | 3 weeks                   | Sending off sufficient n/a |
| Sanction commences | 31 <sup>st</sup> May 2017 |                            |
| Sanction concludes | 13 <sup>th</sup> June     |                            |

|  |   |
|--|---|
| Matches/tournaments included in sanction | 3 |
|--|---|

|       |      |
|-------|------|
| Costs | None |
|       |      |

|                            |                   |      |                           |
|----------------------------|-------------------|------|---------------------------|
| Signature (JO or Chairman) | Mike Hamlin _____ | Date | 1 <sup>st</sup> June 2017 |
|----------------------------|-------------------|------|---------------------------|

**NOTE:** YOU HAVE 48 HOURS FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE RELEVANT BODY – R 17.22.2(a)