

RWC 2019 DISCIPLINARY DECISION



| | | | |
|----------------|--|-------------|---------------------|
| Match | England v USA | | |
| Player's Union | USA | Competition | RWC 2019 |
| Date of match | 26 September 2019 | Match venue | Kobe Misaki Stadium |
| Rules to apply | Regulation 17 World Rugby and RWC 2019 Tournament Disciplinary Programme | | |

PARTICULARS OF OFFENCE

| | | | |
|---------------------|---|-----------------------------------|-----------------------------------|
| Player's surname | Quill | Date of birth | 10 th March 1990 |
| Forename(s) | John | | |
| Referee Name | Nic Berry | Plea | <input type="checkbox"/> Admitted |
| Offence | Law 9.13: A player must not tackle an opponent...dangerously. Dangerous tackling includes, but is not limited to, tackling or attempting to tackle an opponent above the line of the shoulders even if the tackle starts below the line of the shoulders. | Red card <input type="checkbox"/> | |
| Summary of Sanction | 3 weeks (up to and including 13 October 2019 (taking the Player out of the USA's next 3 RWC matches against France, Argentina and Tonga) | | |

HEARING DETAILS

| | | | |
|--|---|--|--|
| Hearing date | 27 September 2019 | Hearing venue | RWC Disciplinary Hearing room, Atsumi & Sakai, Tokyo |
| Chair | Nigel Hampton QC (NZ) | | |
| Other Members of Disciplinary Committee | Frank Hadden (Scotland; former International coach) Valeriu Toma (Romania; former referee) | | |
| Appearance Player | YES <input type="checkbox"/> | Appearance Union | YES <input type="checkbox"/> |
| Referee's Red Card Report | Aaron Lloyd (Counsel) Dave Hodges (USA General Manager) | Disciplinary Officer and/or other attendees | Yvonne Nolan (WR - DDO) Alistair Maclean (WR - General Counsel) |
| List of documents/materials provided to Player in advance of hearing | <ul style="list-style-type: none"> • Notice of Disciplinary Hearing • Match Officials' Reports (Ref, ARs, TMO) • Statement of England 22 (Owen Farrell) • Medical Report (Dr R Young, England) • Video Clips • Match Summary & Team Sheets • ToP Disciplinary Section • Regulation 17 • High Tackle Sanction Framework | | |

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

The **Referee's Red Card Report** (having sent the Player off for an offence against Law 9.13) reads "USA #7 tackled England player with no arms and direct contact to the head with high force". Neither **Assistant Referee** saw the incident.

The **TMO** (Television Match Official) stated that he reviewed the footage and decided that a formal review was needed. He stated that the first angle provided on the formal review “showed direct contact to the head of England #22 by the shoulder of USA #7. There was no use of that specific arm in the contact. There were no mitigating factors, with direct contact to the head and a high level of danger evident”.

Video Footage (totalling some 16 mins 56 sec) consisted, primarily, of footage from 6 principal camera angles, at differing distances and speeds. The incident was well displayed.

The footage shows the following:

In the 70th minute of the match, England were endeavouring to run the ball out of its 22, starting from the 5 metre line with a quickly taken tap penalty.

In that movement, and as the ball is passed to England 22, he is just outside the 5 metre line and has to bend to try and catch the pass to him, which is low.

There are no USA players immediately in front of him, and the Player is to be seen, at that time, to be just outside the 22 metre line and at an approximate 45 degree angle to England 22’s left. England 22 fumbles and knocks the ball on while trying to take the pass and, still running forward at pace, tries and does regain the ball by gathering it as it bounces off the grass and starts to regain an upright running stance.

The Referee signals with his arm a knock on advantage to the USA.

Meanwhile the Player, running at speed across towards England 22 in an attempt to tackle him, has a clear line of sight of England 22. There are no other players in the immediate vicinity. The Player, as he nears England 22, checks his angled run, straightens and slows, and at full height, comes into confrontation and contact with England 22.

Imminently immediate to contact between the 2 players, the Player steps off his left foot towards his right, and then on his right foot pivots and rotates his body to his right, with the Player’s left shoulder rotating inwards where, on contact between the players, it strikes the head (left jaw) of England 22 with force and England 22 goes to ground.

A scuffling melee occurs. The exchanges between the Referee and the TMO, as to the formal review, occur (there is clear video and audio footage of those exchanges) and the Referee issues the Player with a Red Card.

ESSENTIAL ELEMENTS OF OTHER EVIDENCE (e.g. medical reports)

England 22 (Owen Farrell), in a statement of 27/09/19 said that he remembered the incident and had watched footage of it after the match. He said that:

“As England attempted to run the ball out of our own 22, I fumbled the pass that was given to me and I knocked the ball on before recovering it. I was off balance as I tried to recover the ball. As I was attempting to regain my balance, USA 7 came into contact with me. I wasn’t really aware of the

approach, just the fact that he collided with me. As can be seen on the footage, his shoulder appears to connect with my head.

“However it is right to say that at the time impact did not feel to me as forceful as the footage seems to suggest.

“The reason I went backwards has a lot to do with the fact that I was already off balance.

“Having fallen over I remained on the ground for a short time just to ensure that I was not injured. I jumped back to my feet when I realised I was not hurt”.

He goes on to state that he wasn't concussed or injured and completed the game.

England Team Doctor. Dr Young, in a report dated 27/09/19, describes seeing the incident “live” and later reviewing the footage with the Match Doctor. He tells of examining the England 22 twice: on the field after the incident and then at the end of the game. The England 22 did not complain of any injury; and from his examinations the Doctor concluded that the English player was not “in any way concussed” and had “suffered no injury”. The Doctor also advised that an apparent nose injury to England 22 had “been caused earlier” and “had nothing to do with” this incident.

SUMMARY OF PLAYER'S EVIDENCE

The Player was open and candid in his account of the incident.

He had played the full 70 minutes, made some 13 tackles (all of which were lawful) and run some 6000 metres. He was quite tired.

He saw the quick tap penalty taken and thought that he needed to quickly make ground to his left as the USA were likely to be exposed out wide.

He saw English 22 fumble and stumble, was unsure whether the ball had in fact been knocked on, and thought he still might need to tackle him.

The Player believed, from England 22's arm/hand movements, that England 22 was going to pass the ball on (to the outside) but then, as it seemed to the Player, England 22 appeared to straighten somewhat and come directly towards the Player.

The Player had not anticipated this and was, he recognised, not in a good tackling position. Fearing a face to face collision, he stepped, first, off his left foot to try and move to his right in a defensive manoeuvre, and then, off his right foot, he instinctively turned his body sideways (to his right) to try and avoid England 22.

This action (and he accepted that this was a reckless movement on his part) resulted in his left shoulder being promoted inwards (to his right) and made contact with the opponent's left jaw.

He did not think that the impact on him (the Player) was great (“no real impact”) and he suffered no injury.

He described his actions as reactionary, unfortunate and reckless.

At full time he sought out England 22 on the field and expressed his apology; and repeated that apology, later, in the sheds.

He has had some 10 years of professional rugby; has 37 international caps; and this RWC was/is to be his rugby swansong. He regrets ending his rugby career on such a note.

FINDINGS OF FACT

The Panel, having studied the video clips closely, came to the view that, on the balance of probabilities, the Player’s explanations were credible and acceptable; which led to the oral decision, given post the hearing, and as set out following.

“The Panel was persuaded that this was not deliberate offending, but was reckless, having regard to:

“(A) The Player’s credible account as to his expectation that the English player was going to pass the ball on, and was not expecting that the opponent would run on, carrying the ball, in his direction. The Panel was persuaded, on the balance of probabilities, that the pivoting of the Player’s body to the right, with the unfortunate promotion of his left shoulder which made contact with the opponent’s left jaw, was a reactive, and defensive, response by the Player to an unexpected situation.

“(B) The opponent accepted that the impact on him was ‘not as forceful as the (video) footage appears to suggest’.

“(C) The opponent was not concussed or otherwise injured. (There was medical evidence confirming this; and also as to a cut or abrasion to the opponent’s nose, which was apparent on the video clips, but which related to an earlier, quite different, incident)”.

DECISION

Breach admitted

SANCTIONING PROCESS

ASSESSMENT OF SERIOUSNESS

| |
|---|
| Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule) |
| Reckless <input checked="" type="checkbox"/> |
| State Reasons |
| As detailed in the oral decision set out above (at A, B and C) |

| |
|---|
| Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule) |
| Contact to the head with a shoulder. |
| Nature of actions – R 17.19.2(d) (or equivalent Tournament rule) |
| Reckless promotion of the shoulder bringing it in contact with the head of another. |
| Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule) |
| NA |
| Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule) |
| NA |
| Self-defence – R 17.19.2(g) (or equivalent Tournament rule) |
| NA |
| Effect on victim – R 17.19.2(h) (or equivalent Tournament rule) |
| No injury or concussion. |
| Effect on match – R 17.19.2(i) (or equivalent Tournament rule) |
| Minor scuffle. |
| Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule) |
| To the head, with some force. |
| Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule) |
| Not so; rather the clumsy response of a tired player. |
| Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule) |
| Tackle completed. |
| Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule) |
| Nil. |

ASSESSMENT OF SERIOUSNESS CONTINUED

| | | |
|--------------------------|---------------------------------------|--------------------------|
| Entry point | | |
| <input type="checkbox"/> | <u>Mid-range</u> Six (6) <u>Weeks</u> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

ADDITIONAL RELEVANT OFF-FIELD AGGRAVATING FACTORS

| |
|---|
| Player's status as an offender of the Laws of the Game – R 17.19.4(a) (or equivalent Tournament rule) |
| NA |
| Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule) |
| NA |
| Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule) |
| NA |

Number of additional weeks: Nil (0)

RELEVANT OFF-FIELD MITIGATING FACTORS

| | |
|--|--|
| Acknowledgement of guilt and timing – R 17.19.5(a) (or equivalent Tournament rule) | Player’s disciplinary record/good character – R 17.19.5(b) (or equivalent Tournament rule) |
| Immediate and contrite. | |
| Youth and inexperience of player – R 17.19.5(c) (or equivalent Tournament rule) | Conduct prior to and at hearing – R 17.19.5(d) (or equivalent Tournament rule) |
| | Marked by honesty and refreshing candour. |
| Remorse and timing of remorse – R 17.19.5(e) (or equivalent Tournament rule) | Other off-field mitigation – R 17.19.5(f) (or equivalent Tournament rule) |
| Apology to opponent immediate post-match; and repeated. Contrite. | |

Number of weeks deducted: (3)

Summary of reason for number of weeks deducted:
Earliest possible admissions; contrite apology; good character, demeanour and candour.

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) (or equivalent Tournament rule)

| | |
|--|--|
| Total sanction | Three (3) weeks. The Player may not play the Game (or any form thereof) or be involved in any on-field match day activities anywhere from the time he was Ordered Off, until his suspension expires – R 17.19.11(c) |
| Sanction commences | 26 September 2019 |
| Sanction concludes | Up to, and including, 13 October 2019 |
| Matches/tournaments included in sanction | 3 RWC 2019 USA pool matches (against France on 02/10/2019, Argentina on 09/10/2019) and Tonga on 13/10/2019. |

| | |
|-------|----|
| Costs | NA |
|-------|----|

| | | | |
|--------------------|------------------|------|-------------------|
| Signature Chair | Nigel Hampton QC | Date | 28 September 2019 |
|--------------------|------------------|------|-------------------|

NOTE: YOU HAVE **48 HOURS** FROM NOTIFICATION OF THE DECISION OF THE CHAIRMAN/JO TO LODGE AN APPEAL WITH THE TOURNAMENT DIRECTOR – R 17.22.2(a) (or equivalent Tournament rule)