

CRFU 2019 DISCIPLINARY DECISION



Match	Fidelity Cayman Storm v Advanced Fire and Plumbing Buccaneers		
Player's Union	Cayman RFU	Competition	Heineken Charity Shield
Date of match	30 November 2019	Match venue	South Sound Pitch
Rules to apply	Regulation 17 World Rugby and CRFU Procedures and Powers of Disciplinary Committees		

PARTICULARS OF OFFENCE			
Player's surname	Edman	Date of birth	27 August 1993
Forename(s)	Theo		
Referee Name	Alasdair Robertson	Plea	<input checked="" type="checkbox"/> Admitted <input type="checkbox"/> Not admitted
Offence	Breach of Law 9.13 of the Laws of the Game. A player must not tackle an opponent early, late or 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	SELECT:	Red card <input checked="" type="checkbox"/> Citing <input type="checkbox"/> Other <input type="checkbox"/> If "Other" selected, please specify:
Summary of Sanction	3 weeks commencing on Sunday, 1 December 2019. The Player's suspension shall be served in the Alex Alexander Memorial Championship games against the John Doak Tradeview Markets Iguanas on 7 December 2019 and Queensgate Pigs Trotters on 14 December 2019 and the Boxing Day President's game on 28 December 2019. Assuming that these games go ahead, the Player's sanction concludes on Saturday 28 December 2019 and the Player is free to resume playing on Sunday 29 December 2019. In the event that any of these games are postponed, the suspension shall be served in the next equivalent game.		

DISCIPLINARY PROCEEDINGS	
Decision Date	5 December 2019
Chairman	Matthew Dors
Other Members of Disciplinary Committee	Ben McDonald Brad Cowdroy
Player representative	Conal Keane

Decision without a hearing	<p>In circumstances where:</p> <ol style="list-style-type: none"> 1) the Player accepted the breach and did not seek to challenge the decision of the Match Referee; 2) the Committee was satisfied, on the basis of evidence provided, that sufficient mitigating factors existed that it was appropriate to apply the lowest sanction available in the circumstances (3 Weeks); 3) the Committee has the power to regulate its own procedures; <p>and following discussion with the Player's representative and with the agreement of the Player, the Committee determined that it was appropriate to render this decision without holding a hearing.</p>
List of documents/materials provided to Player in advance of decision	<ul style="list-style-type: none"> • Match Referee's Report; • Video Evidence; • World Rugby High Tackle Sanction Framework ("HTSF"); and • World Rugby Regulation 17.

SUMMARY OF ESSENTIAL ELEMENTS OF THE MATCH OFFICIAL REPORTS

1. The Referee, Alasdair Robertson, issued the Player with a red card in the 43rd Minute of a match played between Fidelity Cayman Storm and Advanced Fire and Plumbing Buccaneers on Saturday, 30 November 2019 at the South Sound Pitch for a breach of Law 9.13 of the Laws of the Game. Law 9.13 is in the following terms:

"A player must not tackle an opponent early, late or 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."

2. The Referee, who was 10 metres from the incident, stated in his report that:

"White 7 make a break from inside his own half and was on course to score a try on the right side of the posts. Immediately beforehand (ie within the 5 metre channel) Yellow 23 who had been tracking diagonally across, attempted to tackle White 7. In so doing he left the ground and his arm make clear contact with the head of White 7. This caused White 7 to drop the ball. White 7 was clearly dazed and he required assistance to get back to his feet. It was clear that absent the tackle a try would have been scored and I also awarded a penalty try. In deciding to award a red card I applied the World Rugby Decision making framework for high tackles. It was clear to me that there was a high degree of danger in the tackle with the tackler leaving the ground and making contact at speed to the head of White 7 and from the blindside. There were no mitigating factors to reduce this to a yellow card."

3. Yellow 27 is the Player. White 7 is the tackled player, Mike Luxton (hereinafter, "Buccs #7").
4. The Referee has also subsequently confirmed to the Committee his view that the high tackle was reckless as opposed to intentional or deliberate.
5. No Assistant Referees were officiating at the match.

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

1. Video footage of the incident has been provided to the Committee. The video footage is from a single camera angle with the camera positioned in line with the halfway line some 50 metres or so from the incident. As a result, the footage is not high quality.
2. The Committee understands that Buccs #7 left the pitch following the incident for a Head Impact Assessment (HIA) before returning to complete the match.
3. No medical evidence has been provided to the Committee.

SUMMARY OF THE PLAYER'S SUBMISSIONS AND EVIDENCE

1. The following submissions were initially received from the Player's Representative, on behalf of the Player:

"In short, our submissions are

 - *Theo's left arm makes contact with the top of Mike's shoulder from behind and slides across*
 - *There is no contact with the head, as confirmed by the video and by Mike directly to Theo afterwards. Mike was groggy due to his own contact with the ground in diving to score.*
 - *If deemed to be dangerously high, we submit it's a penalty which prevented a try scoring opportunity and a PT and a yellow.*
 - *Theo has shown contrition.*
 - *I don't believe Theo has any priors (in my 3 seasons here anyway) and I don't want him missing game time in a season with limited games."*
2. In addition, on 3 December 2019, the Player sent a text message to the Director of Rugby in the following terms:

"Hey Jovan, about the red card...just to let you know, I did not hit him in the head, he admitted and I've apologized."
3. Subsequent to the provision to the Player of the Referee's Report and a conversation between the Chairman and the Player's Representative in relation to: 1) restrictions imposed on the discretion of the Disciplinary Committee by Regulation 17, and 2) the Committee's provisional view that sufficient mitigating factors exist to justify a maximum reduction in sanction, the following further communication was received from the Player's Representative:

"I've now spoken with Theo about the report.
Having considered all the circumstances, he is willing to accept the charge, forego a hearing and asks the Committee to consider the mitigating factors set out below."

FINDINGS OF FACT

1. The Committee watched the video footage multiple times. Notwithstanding the limitations of the footage, the Committee considers that the following can be observed:
 - The Player approaches Buccs #7 at full speed, diagonally from behind (from Buccs #7's left), having run some 50m or so to put himself in a position to make the tackle.
 - Buccs #7, would not have seen the Player approaching and was, immediately prior to the tackle, looking over his right shoulder and handing off another player attempting to tackle him.

- The Player leaves the ground in preparation for, or at the moment of, making the tackle.
 - There is no indication that the Player lowers his body height immediately prior to initiating contact in an effort to ensure a legal tackle that is not high or at risk of becoming high.
 - The Player initiates contact with his left arm to Buccs #7's left upper arm or shoulder, but then slides up towards Buccs #7's neck/head.
 - Both players are at full speed at the moment of contact.
 - Given the quality of the video footage, and when viewed frame by frame, the extent to which the Player's left arm makes contact with Buccs #7's neck or head is not entirely clear from the video: certain frames appear to show contact with the neck or head, others suggest contact might not have occurred.
 - Watched in real-time and looking at the movements of both players immediately before and after the impact, the video suggests that there was contact with Buccs #7's neck/head.
 - As a result of the tackle, Buccs #7 had a significant and awkward impact with the ground and rolls over his head/neck area.
 - Buccs #7 is slow to return to his feet.
2. On the key issue of whether or not the tackle by the Player resulted in contact with the neck or head of Buccs #7, the Committee attaches significant weight to the Referee's statement in his report that: "*his arm make clear contact with the head of White 7*", particularly in circumstances where the Referee was 10 metres from the incident and the video camera was 50 metres away, with the result that the footage is not high quality.
 3. Having regard to the video footage, Referee's Report and the Player's admitted breach, the Committee found that the Player effected a High Tackle, that is, an illegal tackle causing neck or head contact. Therefore, the HTSF applies to this incident.
 4. Applying the HTSF to this incident, we found:
 - 4.1 The Player's left arm made contact with Buccs #7's head.
 - 4.2 The applicable HTSF pathway is Number 4.
 - 4.3 The degree of danger was high because the "*video signs indicating higher degree of danger*" were met as follows:
 - 4.3.1 the Player, when effecting the tackle, leaves the ground (Preparation);
 - 4.3.2 the Player's arm swings forward prior to contact with Buccs #7's head (Preparation);
 - 4.3.3 the Player was attempting an active/dominant tackle (Contact); and
 - 4.3.4 the Player completes the tackle without any immediate release/withdrawal (Follow Through).
 5. In our opinion, the Referee was correct, before moving to consider mitigating factors, to determine that a red card was the appropriate sanction.
 6. We now turn to the question of mitigation and in particular "*Factors to consider against mitigation*". Both players are in open space and the Player has a clear line of sight of Buccs #7 and sufficient time before contact to ready himself to make a tackle. This is evident by the fact that the Player was able to prepare, execute and complete a dominant tackle, albeit illegally. In our opinion, there was sufficient time available to the Player to ensure that his left arm did not rise above the line of his opponent's shoulders in breach of Law 9.13.
 7. We now turn to those Mitigating Factors which must be "*clear and obvious and can only be applied to reduce a sanction by 1 level.*"
 8. In our opinion, based on the video footage:
 - 8.1 the Player, as tackler, does not make any definite attempt to change height in an effort to ensure

- that his tackle is not or does not become a high tackle;
- 8.2 Buccs #7, the ball carrier, does not suddenly drop in height;
- 8.3 the Player is not unsighted prior to contact; and
- 8.4 the tackle was not a reactionary one: the Player had ample time to effect a legal tackle and there was no immediate release
9. In our opinion, that only mitigating factor in the Player's favour is that that the tackle appears, from the video footage, to have been initiated with contact to Buccs #7's upper arm before sliding upwards. In our opinion, the Referee was correct to find that this mitigating factor did not apply to reduce the sanction from a red card to a yellow card.
10. In our opinion, there is no evidence that there was any deliberate intent, on the part of the Player, to make a high tackle. The Player made a commendable effort to cover a significant distance in order to put himself in a position where he had the opportunity to make a potentially try saving tackle. Unfortunately, having done so, the Player failed to initiate the tackle at an appropriate height.

DECISION

Breach admitted <input checked="" type="checkbox"/>	Proven <input type="checkbox"/>	Not proven <input type="checkbox"/>	Other disposal (please state) <input type="checkbox"/>
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SANCTIONING PROCESS

Assessment of Intent – R 17.19.2(a)-(b) (or equivalent Tournament rule)
Intentional/deliberate <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State Reasons
The Player's actions were reckless, in that he knew, or should have known, that by not starting his tackle at a lower height there existed a risk, when effecting the tackle, that his left arm would rise above the line of the shoulders of Buccs #7 and make contact with Buccs #7's head in breach of the Laws of the Game.
Gravity of player's actions – R 17.19.2(c) (or equivalent Tournament rule)
The Player's actions carried with them an obvious risk of injury to Buccs #7, particularly in circumstances where Buccs #7 would not have seen the Player approaching and been able to prepare for the contact.
Nature of actions – R 17.19.2(d) (or equivalent Tournament rule)
The Player's actions were reckless resulting in his left arm making contact with Buccs #7's head.
Existence of provocation – R 17.19.2(e) (or equivalent Tournament rule)
Not Applicable
Whether player retaliated – R 17.19.2(f) (or equivalent Tournament rule)
Not Applicable
Self-defence – R 17.19.2(g) (or equivalent Tournament rule)
Not Applicable

Effect on victim – R 17.19.2(h) (or equivalent Tournament rule)
Buccs #7 left the pitch for an HIA but was able to return and complete the match.
Effect on match – R 17.19.2(i) (or equivalent Tournament rule)
The Player's Ordering Off did not have any discernible effect on the outcome of the match.
Vulnerability of victim – R 17.19.2(j) (or equivalent Tournament rule)
Buccs #7 was placed in a vulnerable position by reason of the Player's actions and the risk of injury to him was obvious.
Level of participation/premeditation – R 17.19.2(k) (or equivalent Tournament rule)
Not Applicable
Conduct completed/attempted – R 17.19.2(l) (or equivalent Tournament rule)
The Player's conduct was completed.
Other features of player's conduct – R 17.19.2(m) (or equivalent Tournament rule)
Not Applicable

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	6 Weeks	<u>Low-end</u>	<u>Weeks</u>
<input type="checkbox"/>		<input checked="" type="checkbox"/> As mandated by Appendix 1 to World Rugby's Regulation 17 because the Foul Play resulted in contact with the head of an opponent.		<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) (or equivalent Tournament rule)
Not Applicable
Need for deterrence – R 17.19.4(b) (or equivalent Tournament rule)
Not Applicable
Any other off-field aggravating factors – R 17.19.4(c) (or equivalent Tournament rule)
Not Applicable

Number of additional weeks: Nil

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)
The Player admitted breach of Law 9.13 at the earliest reasonable opportunity	The Player has a good disciplinary record.
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)
The Player is an inexperience player.	The Player admitted the breach and agreed that a hearing was unnecessary in the circumstances
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)
The Player apologised to Buccs #7	Not Applicable

Number of weeks deducted: 3 weeks

Summary of reason for number of weeks deducted:

The Player was entitled to a full discount of 3 weeks from the starting point of 6 weeks because of 1) his good disciplinary record; 2) his contrition (expressed to his opponent); and 3) lack of experience.

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	3 weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	Sunday, 1 December 2019.	
Sanction concludes	Saturday, 28 December 2019 at midnight	

Matches/tournaments included in sanction	The Player's suspension shall be served in the Alex Alexander Memorial Championship games against the John Doak Tradeview Markets Iguanas on 7 December 2019 and Queensgate Pigs Trotters on 14 December 2019 and the Boxing Day President's game on 28 December 2019. Assuming that these games go ahead, the Player's sanction concludes on Saturday 28 December 2019 and the Player is free to resume playing on Sunday 29 December 2019. In the event that any of these games are postponed, the suspension shall be served in the next equivalent game
Costs	Not Applicable

Chairman	Matthew Dors	Date	Friday, 5 December 2019
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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)