



## DISCIPLINARY DECISION IN RESPONSE TO CITING COMPLAINT

<b>Player's Name:</b>	<b>Finn Lovegrove</b>
<b>Team:</b>	<b>Advanced Fire and Plumbing Buccaneers</b>
<b>Match:</b>	<b>Advanced Fire and Plumbing Buccaneers v. John Doak Tradeview Iguanas</b>
<b>Date of Match:</b>	<b>16<sup>th</sup> January 2021</b>
<b>Cited by:</b>	<b>John Doak Tradeview Iguanas</b>
<b>Decision:</b>	<b>Citing Complaint Dismissed</b>
<b>Hearing Date:</b>	<b>27<sup>th</sup> January 2021</b>
<b>Chairman:</b>	<b>Matthew Dors</b>
<b>Disciplinary Committee Members:</b>	<b>Brad Cowdroy Christopher Kennedy</b>
<b>Player's Representative</b>	<b>Mallory Carroll</b>
<b>Iguanas Representatives</b>	<b>Pete De Vere Tom Sperandeo Richard Hooper</b>
<b>Date of Written Decision</b>	<b>16<sup>th</sup> February 2021</b>

A citing complaint was received in accordance with Regulation 17.10.8 of the World Rugby Regulations alleging that the Player committed an act of Foul Play during the above match that was not detected by the Match Officials.

## Particulars of Complaint

The Citing Complaint contained the following allegations:

*"I would like to report an incident of foul play that occurred at approximately 5 minutes and 25 seconds in the second half. A Bucs player takes the ball into contact and is tackled by our number 8. Our number 8 was unable to roll away which seemingly frustrated the Bucs player, Finn Lovegrove who repeatedly punched the Iguanas number 8 in the back of the head. This is a violation of the following laws:*

*9.11*

*9.12*

*9.27*

*additionally as a ruck had formed at the time of the incident 9.20 b was broken as the player clearly makes contact with our player above the line of the shoulders. "*

## List of Documents/Materials considered by the Disciplinary Committee

- Citing Complaint
- Written Statement of Richard Hooper (Iguana)
- Written Statement of the Referee, Ben Cullen
- Written Statement of the Assistant Referee, Alasdair Robertson
- Written Statements of Dave Stringer (Buccs)
- Written Statement of Finn Lovegrove (Cited Player – Buccs)
- Video footage of the incident provided by CRTV

## World Rugby Regulations to be Applied

Regulation 17.10.8 provides as follows:

*" For Matches where, in accordance with Regulation 17.7.2 or 17.7.6, it is not reasonably practicable for a Citing Commissioner to be appointed, the following "team citing" procedures shall apply:*

- (a) Each team participating in a Match, or any of its authorised officials, or its Union, may cite:*
- (i) a Player(s) for an act(s) of alleged Foul Play committed during that Match provided that such act(s) have not been detected by the Match Officials;..."*

Regulation 17.16 provides as follows:

***"17.16 THE "RED CARD TEST": DID THE ACT(S) OF FOUL PLAY WARRANT THE PLAYER BEING ORDERED OFF OR SHOULD IT HAVE RESULTED IN THE PLAYER BEING ORDERED OFF?"***

*17.16.1 The Disciplinary Committee shall first determine whether or not the relevant act(s) of Foul Play warranted the Player being Ordered Off or should have resulted in the Player being Ordered Off."*

### **Essential Elements of the Evidence**

The written statement of Richard Hooper was as follows:

*"Early into the second half, at around our 10m line near the 15m marker on the West side of the pitch I made a tackle on a Buccaneers ball carrier (Figure 1). Following the tackle, I found myself pinned on my back on top of a Buccaneers player, the ball carrier, and underneath another Buccaneers player. Who was also off their feet with their hands on the ground (Figure 2).*

*I had eye to eye contact with the referee, with my arms outstretched I shouted to the referee that I couldn't move. At that point the referee outstretched his arm to the Buccaneers signaling a penalty advantage. As they were unable to gain any advantage the referee then blew their whistle. Following the blowing of the whistle the player who was on top of me proceeding to get off me. I then started to get up and was struck 3 times in the head (Figure 3). At that point I was unable to see who had struck me, but knew that the referee was in clear eyeline of my position due to the penalty just given against me. When I got to my feet, I had asked the referee if the penalty would be reversed for the strikes? To which I was told no as the referee had indicated that he hadn't seen the incident (Figure 4). I then raised the issue with the assistant referee on the Western touchline and asked if they had seen me get hit? I also asked my captain Marnus Elhers to consult with the referee regarding the incident.*

*At first the assistant referee did not comment. However, whilst we were waiting for the Buccaneers bench to bring on the kicking tee, he then consulted with the referee and initial penalty given against the iguanas was reversed.*

*Upon reviewing the Cayman Rugby TV footage the next day, I can say the events above happened at roughly 5 minutes 20 seconds into their second half stream. What can also be seen on the footage is that it is the player who I tackled that struck me three times in the head."*

The written statement of Referee, Ben Cullen, was as follows:

*"Approximately 5 mins into the 2nd half of the Buccaneers vs Iguanas match, 16/01/2021:*

*Resulting from an unsuccessful ruck there was a clear penalty by Iguanas for lying on the ball and making no attempt to role away. After the whistle I saw an arm swinging from the Buccs player at the bottom of the ruck, I recall blowing a couple of loud blasts to deescalate the situation. I could not see the point of impact of the swinging arm as my line of sight was blocked by another Buccs player (#8 ? /with scum cap). I therefore concluded it was an attempt by the Buccs player to push the Iguana's player off. Whilst the Buccs were preparing to take their penalty I stopped the match to receive a report from A/R ( Alasdair Robertson) for foul play. It's my recollection that the report confirmed "there were some "tabs" to the head by a Buccs player to an Iguana's player at the bottom of the ruck as he was trying to get the Iguana's player off", Alasdair did not recommend any further sanction. I discussed with both captains that foul play had been reported and that the penalty would be reversed."*

The written statement of the Assistant Referee, Alasdair Robertson, was as follows:

*"My call was against Stringer. When the penalty was awarded (rightly), Stringer in trying to retrieve the ball slapped the back of the head of the green player on the floor. It was not a punch, it was an open hand and more of a handbags from what I could see. I did not see a clear punch by any other player."*

The initial statement of Dave Stringer was as follows:

*"I saw it. I don't think the ref saw it, Allister flagged it to the ref and wasn't concerned really, just a penalty reversal. To me it looked like he was on Finn's neck, Finn tries to kick out to get him off but it didn't work and then he slapped him on the back of the head or neck about 3 times. I said to the ref and Allister at the time that I thought he couldn't breath and that he was tapping out. They had already made their decision and was only a penalty reversal so I didn't argue too hard. Absolutely nothing in it."*

The supplemental follow up statement from Dave Stringer after sight of the Match Officials statements was as follows:

*"I can say with absolute confidence that the penalty reversal had nothing to due to my actions. After speaking to the ref and touch judge, my argument (in an attempt to change their mind) was that he (Finn) could not breathe and that he was tapping out. I did not slap any Iguanas player. After reading the referees report and his recollection of his discussion with Alasdair I believe the incident involving Finn was dealt with on the pitch. The referee described Alasdair's response as "there were some "tabs" to the head by a buccs player to an Iguanas player at the bottom of the ruck as he was trying to get the iguanas player off", this is clearly a description of the Finn incident and the reason the referee took action and reversed the penalty."*

The written statement of the cited player, Finn Lovegrove, was as follows:

*"I wanted to put something down in words relating to the incident for which I was cited."*

*After the tackle had been made the opposing player was laying across me with his full weight directly on me. What made this painful was the fact that the ball was pressed against my face, more particularly against my mouth and nose. I called for him to "get off" and he did not respond. Rather he began rolling his weight over my face. Pressing the ball up into and against my nose bone. As he put more pressure against the ball and my nose I tried to push him off and again cried out. As I felt unable to take a breath and was frightened that my nose may cave in under still more pressure I began flailing my arms against him to get him off me. At no point before or after the tackle did I exhibit any behaviour (sic.) that I would deem aggressive or inappropriate. I am more than willing to apologize if it is deemed necessary and if it appears that I have conducted myself in an ungentlemanly fashion I wish to express my deepest regrets, however, I was being hurt and was fearful of being seriously hurt and reacted only to try to alleviate that pain and the potentially serious damage to my face.*

*It is not now, nor has it ever been, my intention to act aggressively towards other players. I am saddened that I have been cited for this action. It was my understanding that what had taken place was dealt with. That what was done to me, was done without malice and without knowledge of the pressure of the ball against my face. That the unfortunate nature of my reaction was taken by the opposing player for what it was, a desperate attempt to get him and the ball away from my face.*

*I am sorry."*

The video footage shows the incident complained of at 5:32 and the reversal of the penalty at 7:40. The Committee considers that the following can be seen on the video, which was viewed in real time, in slow motion and zoomed in:

- After the initial tackle, Richard Hooper can be seen laying on top of Finn Lovegrove, which results in the Referee penalising him for not rolling away;
- Whilst laying underneath Richard Hooper, Finn Lovegrove swings his left arm three times with an open hand;
- On the third swing, the open hand of Finn Lovegrove appears to make contact with the back of Richard Hooper's head; and
- Dave Stringer, although clearly visible, does not slap or otherwise strike Richard Hooper.

There was no evidence of any injury to Richard Hooper and he does not appear, from the video, to be in any pain or have suffered any adverse effects from the incident.

## **Decision and Reasons**

The written statement of Richard Hooper filed in support of the Citing Complaint confirms that Foul Play was detected by the Match Officials and that the initial penalty awarded to the Buccaneers was reversed following a discussion between Assistant Referee and the Referee.

This was confirmed by the Referee in his statement.

On the basis the statements from Richard Hooper and the Referee alone, the Citing Complaint would have been dismissed summarily without a hearing on the grounds that, on the that evidence, the Foul Play complained of was detected by the Match officials and, therefore, the criteria for citing under Regulation 17.10.8(a)(i) were not met.

However, the Assistant Referee was very clear in his written statement that the Foul Play that he detected that formed the basis of the penalty reversal was not Foul Play by the cited player but Foul Play by Dave Stringer.

The Committee recognises that: "*The integrity of Law 6.5(a) of the Laws of the Game and the referee's position as the ultimate judge of fact and law during the Match is unassailable*" (Reg. 17.15.2) and that the Committee "*shall not make a finding contrary to the decision of the referee [or assistant referee]...unless they are satisfied, on the balance of probabilities that the decision of the referee [or assistant referee]...was wrong*" (Reg 17.161(b)).

Therefore, the Committee considered it appropriate to allow the matter to proceed to hearing and hear submissions and evidence from all parties before determining a) whether or not the Assistant Referee was wrong when he concluded that Dave Stringer had committed an act of Foul Play; and b) whether or not the Foul Play complained of was detected by the Match Officials.

At the hearing, following a review of the written statements and video evidence, the Chairman described what the Committee considered that the video evidence showed as set out above. The Chairman further indicated that having considered the statement of the Assistant Referee, he had accurately described an open slap to the back of the head but that he was mistaken as to the identity of the player concerned and that it was Finn Lovegrove's hand that he saw, not Dave Stringer's.

When invited to make any further submissions, the Iguanas representatives accepted having seen the Video evidence that Finn Lovegrove's hand was open when he struck Richard Hooper's head. The Iguanas' Representatives confirmed that, at the time, they had thought it was a punch and it was on that basis that the Citing Complaint has been filed. No further submissions were made in relation to the Committee's description of what the video showed or the Committee's provisional view that the Assistant Referee was mistaken as to the identity of the player that he saw slapping the back of Richard Hooper's head.

After a short adjournment, the Chairman confirmed that the decision of the Committee was that the Citing Complaint would be dismissed and that written reasons, which were summarised orally at the hearing, would follow. These are the written reasons.

The Committee finds that Finn Lovegrove swung his left arm three times with an open hand and, on the third swing, the open hand of Finn Lovegrove made contact with the back of Richard Hooper's head.

The Assistant Referee accurately describes an open hand slapping the back of Richard Hooper's head. However, the Assistant Referee who was positioned on the touch line on the opposite side of the

breakdown to where the incident occurred, was mistaken as to the identity of the player whose hand he saw: it was Finn Lovegrove's hand, not Dave Stringer's.

Therefore, the Committee considers that the Foul Play complained of, namely striking to the head of Richard Hooper, was detected by the Match Officials, albeit it was attributed to the wrong player. Accordingly, the Committee considers that the criteria for citing under Regulation 17.10.8(a)(i) were not met and the Citing Complaint must be dismissed on that basis.

In any event, and in case that conclusion by the Committee is wrong, the Committee considered whether, if the Foul Play was undetected by the Match Officials because it was attributed to the wrong player, whether the Red Card Test would have been satisfied.

The video clearly shows that, after the initial tackle, Richard Hooper can be seen laying on top of Finn Lovegrove. The Committee also accepts, almost in its entirety, the evidence of Finn Lovegrove that:

*"After the tackle had been made the opposing player was laying across me with his full weight directly on me. What made this painful was the fact that the ball was pressed against my face, more particularly against my mouth and nose. I called for him to "get off" and he did not respond. Rather he began rolling his weight over my face. Pressing the ball up into and against my nose bone. As he put more pressure against the ball and my nose I tried to push him off and again cried out. As I felt unable to take a breath and was frightened that my nose may cave in under still more pressure I began flailing my arms against him to get him off me."*

The only part that the Committee does not accept is the description that Finn Lovegrove was "*flailing his arms*". As mentioned above, the Committee considers that it is clear that Finn Lovegrove swung his left arm three times and the third strike connected with Richard Hooper's head. Each swing was in the same plane or direction with the same arm and appears to be an attempt to strike Richard Hooper rather than his arms "*flailing*".

Although attempting to strike a player, even with an open hand, is not an appropriate response to a player laying on top of you and is Foul Play and a breach of Law 9.12, the Committee does not consider that such Foul Play, in the circumstances described, warranted Finn Lovegrove being Ordered Off immediately.

The Committee's views in this regard are fortified by the fact that the Assistant Referee saw and accurately described the nature of the striking and his conclusion was that a penalty reversal was the appropriate sanction.

Therefore, the Red Card Test is not satisfied and the Citing Complaint would also be dismissed on that basis.

## **Appeal**

YOU HAVE 48 HOURS FROM NOTIFICATION OF THIS DECISION TO LODGE AN APPEAL BY FILING A NOTICE OF APPEAL IN ACCORDANCE WITH REGULATION 17.24.

Any Notice of Appeal should be sent by email to [rhianminty@gmail.com](mailto:rhianminty@gmail.com).

In accordance with Regulation 17.24.5, a deposit of CI\$250 must be paid to CRFU within 3 days of filing the Notice of Appeal. In the event of the required deposit not being paid within the required timeframe, the appeal shall be deemed to be abandoned. The deposit shall be refundable in the event that the appeal is successful.