

# RFU SHORT JUDGMENT FORM



Match	Bedford Blues	Vs	Cornish Pirates
Club's Level	2	Competition	Championship
Date of Match	19/02/2022	Match Venue	Bedford

Particulars of Offence			
Player's Surname	Kiri Kiri	Date of Birth	17/12/1991
Forename(s)	Antonio	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Cornish Pirates	RFU ID No.	2380617
Type of Offence	5.12		
Law 9 Offence	Conduct prejudicial to the interests of the Union and the Game - Dissent		
Sanction	1 match suspension		

Hearing Details			
Hearing Date	23/02/2022	Hearing venue	Video call
Chairmen/SJO	Martin Picton	Panel Member 1	Gareth Graham
Panel Member 2		Panel Secretary	Rebecca Morgan
Appearance Player	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Appearance Club	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Player's Representative(s):	Other attendees:
Alan Paver, Joint Head Coach, Cornish Pirates	Angus Hetherington, Legal Counsel in Discipline for the RFU

List of documents/materials provided to player in advance of hearing:
Video of incident (words not audible) Yellow Card report from match referee England Rugby Core Values statement Letter dated 11/11/21 from RFU Referee Union Report on refereeing crisis written by Neil Sweeney Para 9.28 RFU Regulation 19 - Discipline (Appendix2) Letters submitted on behalf of the Club from Gavin Cattle and Matt Evans Letter from the Player

The referees report stated that:- Just after half time, AR1 Phil Watters alerted me over the comms that Pirates 7 had told him to "F off". I immediately stopped the game, issued a yellow card and restarted play with a penalty to Bedford.

AR report:- At approximately 1 minute of the second half, I observed a breakdown located within a couple of meters of the touchline in and around the 10m line of the Bedford half. The ball remained live and play continued away from this area. I quickly became aware of CP7 voicing his frustration whilst looking directly at me. He was clearly annoyed. I had not seen anything untoward in the breakdown that I felt warranted such a response. I quickly encouraged CP7 to 'get on with the game'. Play continued at this point and then whilst walking back towards his half, adjacent to the touchline and approximately 5m away from me, CP 7 (KIRI KIRI) looked directly at me and said, 'OH FUCK OFF'. I immediately informed referee JACKSON over the match official comms what had been said and he YC the player and awarded a P to Bedford to restart the game.

I will say that I was not offended by the actions of CP7. It was very clear to me that he was frustrated by a situation that had occurred at the breakdown immediately before. The incident happened close to both team technical areas and within earshot of the main supporter stand. I was satisfied that the actions did need to be reported to the referee and not go unpunished as such language should not be commonplace in exchanges between players and match officials. I feel that the swift sanction imposed by referee Andrew JACKSON was decisive and appropriate in the circumstances and I personally do not wish to take the matter any further. The words used by the player will not have been captured on any game footage and therefore will not be in the public domain aside from my relay of them to the match referee.

N/A

## Summary of Player's Evidence

The Club submitted a letter written by the Player that was addressed to the AR to whom the words were directed stated:

"The reason behind this letter is to express my sincerest apologies for my actions in the game vs Bedford on Saturday. I was frustrated and emotionally heightened due to the competitive nature of the fixture, coupled with frustration from personal performance. This led to an uncharacteristic outburst. All those factors however do not condone my actions as they were neither right nor fair. To address any match official in that manner is never acceptable. I realised immediately the severity of my misconduct, and on deeper reflection they stand far apart from the values I see at the core of rugby which are respect and discipline.

I am deeply embarrassed that I let my emotion get the better of me in the moment and am prepared to accept all consequences that are sanctioned by my club and the RFU.

Again, I am extremely sorry, and I will take all means necessary to ensure I never cross that line again."

Similar and obviously genuine sentiments were expressed in the letters submitted on behalf of the Club. The Club stated that they had imposed their own sanction of a two week suspension even in advance of this hearing.

In the course of the hearing the Player reiterated his apology for his actions on the day and explained that he had spoken to the whole of the playing and management contingent of the Club to express his apology and disappointment with his actions. He informed the panel that he has been a professional player for 12 years and has a clean disciplinary record. The Club stated that the Player is a good role model for the younger players. We were also told of the efforts that the Player makes within the local community and in particular about supportive actions he had undertaken to assist the local NHS during the Covid crisis

## Findings of Fact

The actions of the Player did fall foul of 5.12 and amounted to an act of disrespect to the authority of a match official.

## Decision

Breach admitted  Proven  Not Proven  Other Disposal (please state below)

Sanction is at large. The RFU submitted that what was said amounted to disrespect of the authority of a match official that under 9.28 merited a low end entry of 2 weeks/matches. The RFU placed emphasis on the core values of the game, the concerns expressed in the letter from the referees union and the need to ensure that referees are treated with an appropriate level of respect and decency at all levels of rugby.

In the well known Steve Diamond judgment it was stated:

"The game is built upon respect. There must be respect for officials. Rugby's Core Values are not empty words or slogans which can be signed up to and then ignored. They are not to be treated as useful bolt-ons dreamt up by a marketing team. They are integral to the game and what make the game special. Referees are vital to the sport. Without them there would be no games. They deserve respect and they must be respected."

We concluded:

(i) That it was appropriate, as has been done in many other cases, to take account of the entry points in the sanction table relevant to disrespecting a match official;

(ii) We agreed that the case merited the low-end entry point of two weeks/matches.

Accordingly, we concluded that the low-end entry point for disrespecting a match official i.e. a two match suspension (subject to potential reduction to reflect mitigation) was appropriate.

We were satisfied that any period of suspension should be immediate and not suspended, that approach being consistent with the importance attached to the core values of the game at all levels within rugby.

We did not consider it necessary to impose any additional requirement upon the Player such as undertaking a presentation on the importance of respecting match officials as he had already done so voluntarily and we accepted that his action in so doing had been genuine and heartfelt. We were confident that the Player but also the Club as a whole had dealt with this transgression in a spirit wholly consistent with the core values of the game.

## SANCTIONING PROCESS



### Assessment of Seriousness

#### Assessment of intent - Ref 19.11.8

PLEASE TICK APPROPRIATE BOX

19.11.8(a) Intentional



19.11.8(b) Reckless



Reasons for finding as to intent:

The Player chose to use the words that he did.

#### Nature of actions - Reg 19.11.8(c)

As above.

Existence of provocation - Reg 19.11.8(d)

N/A

Whether player retaliated - Reg 19.11.8(e)

N/A

Self-defence - Reg 19.11.8(f)

N/A

Effect on victim - Reg 19.11.8(g)

The AR had indicated that the words spoken by the Player had no personal impact but the victim is the game itself and the damage this sort of behaviour can have on the standing of officials within the game and how those involved in the sport may behave toward them.

Effect on match - Reg 19.11.8(h)

N/A

Vulnerability of victim - Reg 19.11.8(i)

N/A

Level of participation/premeditation - Reg 19.11.8(j)

N/A

Conduct completed/attempted - Reg 19.11.8(k)

N/A

Other features of player's conduct - Reg 19.11.8(l)

N/A

Assessment of Seriousness Continued

Entry point

<u>Low-end</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Top-end*</u>	<u>Weeks</u>
<input checked="" type="checkbox"/>	2	<input type="checkbox"/>		<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 the above assessment, the Panel should consider the RFU Practice Note as set out in Appendix 5 to Regulation 19. Significant weight should be given to RFU regulation 19.11.8(a), 19.11.8(h) and 19.11.8(i).

Reasons for selecting entry point:

See above.

Relevant Off-Field Mitgating Factors - Reg 19.11.10

Acknowledgment of the commission of foul Play & timing - Reg 19.11.10(a)	Player's disciplinary record - Reg 19.11.10(b)
Prompt and fulsome.	Clean.
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)
N/A	Exemplary.

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)
Remorse immediate and genuine.	Material from the Club demonstrated that the Player is a positive role model in the Club.

Number of weeks deducted: 1

**Summary of reason for number of weeks deducted:**

The panel considered that the Player was entitled to the maximum 50% available mitigation credit bearing in mind his full acceptance of the charge, genuine remorse and his engagement with the Panel at the hearing.

**Additional Relevant Off-Field Aggravating Factors - RFU Regulation 19.11.13**

**Player's status as an offender of the laws of the game - Reg 19.11.13 (a)**

N/A

**Need for deterrent to combat a pattern of offending - Reg 19.11.13(b)**

N/A

**Any other off-field aggravating factor that the disciplinary panel considers relevant and appropriate - (including poor conduct prior to or at the hearing) Reg 19.11.13 (c)**

N/A

Number of additional weeks: 0

Games for meaningful sanctions:

The Player will be suspended for one match against Jersey on the 27th February 2022.

Sanction

**NOTE:** PLAYER ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING

Total sanction	1 match	Sending off sufficient	
Sanction commences	22.02.2022		
Sanctions concludes	28.02.2022		
Free to play	01.03.2022		
Final date to lodge appeal	10.03.2022		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	£250		

Signature (JO or Chairman)	M Picton	Date	24/02/2022
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**NOTE:** YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 19.12 OF THE DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 19.12.9

ANY PERSON SUSPENDED UNDER THESE REGULATIONS IS REMINDED THAT UNDER RFU REGULATION 19.11.16 THE SUSPENDED PERSON MAY NOT PLAY THE GAME (OR ANY FORM THEREOF) OR BE INVOLVED IN ANY ON-FIELD MATCH DAY ACTIVITIES ANYWHERE WHICH INCLUDES (BUT IS NOT LIMITED TO) ACTING AS WATER CARRIER/ RUNNING ON A TEE ETC