

RFU SHORT JUDGMENT FORM



Match (home)	Bath	Vs (away)	Saracens
Club's Level	Premiership	Competition	Gallagher Premiership
Date of Match	26/04/2024	Match Venue	Bath

Particulars of Offence			
Player's Surname	Itoje	Date of Birth	28/10/1994
Forename(s)	Oghenemaro	Plea	Admitted <input type="checkbox"/> Not Admitted <input checked="" type="checkbox"/>
Club name	Saracens	RFU ID No.	998979
Type of Offence	Citing		
Law 9 Offence	Law 9.13 - Dangerous Tackling		
Sanction	Citing dismissed		

Hearing Details			
Hearing Date	30 April 2024	Hearing venue	Video
Chairmen/SJO	Philip Evans KC	Panel Member 1	Becky Essex
Panel Member 2	Martyn Wood	Panel Secretary	Rebecca Morgan-Scott
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:	
Richard Smith KC		Angus Hetherington, RFU Senior Legal Counsel Mark McCall, Saracens Director of Rugby Warrick Lang, Head of Culture & Rugby Manager, Saracens	
Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>	Conflict of Interests	Conflict raised <input type="checkbox"/> No conflict raised <input checked="" type="checkbox"/>

List of documents/materials provided to player in advance of hearing:			
<input checked="" type="checkbox"/> Charge Sheet	<input type="checkbox"/> Red Card report	<input checked="" type="checkbox"/> Player Statement	Video footage Please select
<input checked="" type="checkbox"/> Medical report	<input checked="" type="checkbox"/> Citing report	<input type="checkbox"/> Club Statement	<input checked="" type="checkbox"/> World Rugby Head Contact Process
Other (Please list below)			



The Citing Commissioner's findings were as follows;

From phase attack blue move the ball from side to side. They set up a ruck on the 15m line but the speed is slow where white have time to realign their defence. Blue 9 passes to Blue 8 and as he does so White 4 sprints aggressively off the line to make a tackle.

Blue 8 receives the ball but is tackled almost immediately. Play continues and at a break in play the TMO radios the referee to assess the tackle. After a brief review the referee awards white 4 a yellow card. His decision is based on a high degree of danger but contact to shoulder 1st and riding up to head which mitigates down to yellow card. Following reviewing all available angles and using the HCP (March 23) which drives World Rugby's zero tolerance of foul play for head contact and focuses on the action and not injury.

Is there head contact – Yes. Is there foul play – Yes – Avoidable as tackler is always upright. Degree of danger – Agree with referee that the level of danger was high. It is dynamic with the player sprinting at pace to make the tackle with force and makes no attempt to drop his height by bending at the hips and dominates the hit taking the ball carrier to ground. Whilst there is simultaneous contact with the chest and the tacklers jaw on the ball, there is also direct contact with tacklers head to the ball carrier's head. The simultaneous contact does not alter the level of danger to the ball carrier. In considering mitigation the referee states the tackler made contact with the shoulder first, this is not evidenced by the video.

The player has a clear line of sight. There is no sudden or significant drop in height or movement by the ball carrier. The tackler is not passive and arrives at speed but in control and with time to adjust his height but fails to do so.

In conclusion I consider that the actions of White 4 clearly pass the threshold for a red card and so cite Maro Itoje under Law 9.13. A Player must not tackle an opponent early, late or dangerously. Dangerous tackling includes, but is not limited to tackle an opponent above the line of the shoulders even if the tackle starts below the line or the shoulders.

The Panel was also provided with some messages that had been written by the Bath Player these included "Just felt contact neck and head as I got hit didn't feel like loads of force. Mainly through neck."

The Issues for the Panel can be simply stated. The Player accepts foul play and accepts there was contact with the head. He does not accept however that the foul play warrants a red card.

The RFU opened the hearing and made submissions on the issue set out above. The RFU in essence said that it agrees with the Citing Commissioner's view that the contact with the head was simultaneous with the contact to the body of the Bath player. The RFU made it clear however that whether or not that is correct, the contact with the head here should be assessed in its own right and that in its view the contact with the head created a high degree of danger, there was no mitigation of that act and therefore a red card was appropriate.

On behalf of the Player, Mr Smith provided written submissions and developed those submissions in detail during the hearing. In essence Mr Smith submitted that when the footage is watched in full and in particular from around counter time 1.30, a rear view of the Player is available from which it is possible, using features such as the movement of the Bath player's hair to determine the point of initial contact and, importantly, to determine that the heads of the two players did not make contact until later. He also submits that in essence the contact was more 'glancing' than direct. He submits that not all cases of head on head contact automatically create a high degree of danger and this contact is more appropriately classified as less than a high degree of danger.

Summary of Player's Evidence

The Player gave evidence and said; he now has in the region of 300 appearances in professional games, 81 England caps.

He recollected the incident in question coming from a set piece and that the Bath player was involved in a carry and his intention was to prevent the Bath player attacking with the ball.

As he approached contact he said that he did not feel out of control. He conceded that he approached the contact too high as he approached but there was no element of anger or head loss. He was too upright. He did not dip through his hips sufficiently and misjudged the pivot and in the end the tackle was not textbook.

He described the tackle as a 'hug tackle.' He recalled making contact the Bath player's body and said that he made an attempt to wrap in the tackle. He said he did not feel or have any concern that he had made contact with the head. He told the panel that so strong was his conviction that he did not realise there was or feel any head contact, that he would swear that was true.

Findings of Fact

The panel considered the evidence from the Player and the information placed before us emanating from the Bath player. Alongside that evidence the Panel was able to examine the footage of the incident many times and from many different angles. In particular, the panel watched with particular care the footage from the rear view, shortly after counter time 1.30. Using this footage the panel concluded it is possible to identify the point at which initial contact was made with the Bath player. This is possible because of the movement of the Bath player's hair and the movement of his foot on contact. A detailed viewing of this footage allows a comparison with other angles in the rest of the footage. The Panel concluded the totality of the footage viewed in this way demonstrates it was more likely than not that the contact was not initially with the head and was not simultaneous contact with the head and the body. Instead, we conclude it is more likely than not that contact with the head comes later and that it is properly described as more glancing contact than direct in nature. We did not see any features such as a jolting movement of the Bath player's head on contact.

The Panel was informed that neither player was injured as a result of this incident. We were also informed that neither player underwent any head injury assessment. This panel notes that it may have provided useful information, although only as part of the overall assessment, if both Player's been subject to a compulsory HIA and the results made available to the panel.

In all of the circumstances, the panel did not conclude that a high degree of danger was created and therefore the on-field yellow card decision stands and the citing dismissed. The player is free to play with immediate effect.

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Decision

Breach admitted

Proven

Not Proven

Other Disposal (please state below)

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:

Nature of actions - Reg 19.11.8(c)

Existence of provocation - Reg 19.11.8(d)

Whether player retaliated - Reg 19.11.8(e)

Self-defence - Reg 19.11.8(f)

Effect on victim - Reg 19.11.8(g)

Effect on match - Reg 19.11.8(h)

Vulnerability of victim - Reg 19.11.8(i)

Level of participation/premeditation - Reg 19.11.8(j)

Conduct completed/attempted - Reg 19.11.8(k)

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

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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 type="checkbox"/>		<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:

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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)
Youth and/or inexperience of player - Reg 19.11.10(c)	Conduct prior to and at hearing - Reg 19.11.10(d)

Remorse and timing of Remorse - Reg 19.11.10(e)	Other off-field mitigation - Reg 19.11.10(f)

Number of weeks deducted:

Summary of reason for number of weeks deducted:

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)

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

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)

Number of additional weeks:

Games for meaningful sanctions:

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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		Sending off sufficient	
Sanction commences			
Sanctions concludes			
Free to play	With immediate effect		
Final date to lodge appeal	03/05/2024		
Costs (please refer to Reg 19, Appendix 3 for full cost details)	Nil		

Signature (JO or Chairman)	Philip Evans KC	Date	02/05/2024
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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