



# EPCR SHORT JUDGMENT FORM

Match	Northampton Saints	Vs	Ospreys
Club's Country	Wales	Competition	EPCR Champions Cup
Date of match	9 December 2017	Match venue	Northampton
Rules to apply	<b>EPCR Disciplinary Rules 2017/18</b>		

## PARTICULARS OF OFFENCE

Player's surname	Dirksen	Date of birth	31 March 1991
Forename(s)	Hanno	Plea	Admitted <input checked="" type="checkbox"/> Not Admitted <input type="checkbox"/>
Club name	Ospreys	Referee/CC name	Alexandre Ruiz (France)
SELECT: Red card <input checked="" type="checkbox"/>	Citing <input type="checkbox"/> Other (specify) <input type="checkbox"/>		
Offence	Dangerous tackling - law 10.4(e)		
Summary of Sanction	1 Weeks <b>Insert number of weeks OR select No Sanction as appropriate</b>		

## HEARING DETAILS

Hearing date	13 December 2017	Hearing venue	Sofitel, London Heathrow
Chairman/JO	Pamela Woodman (Scotland)	Panel member 1	Donal Courtney (Ireland)
Panel member 2	Daniel White (England)	Disciplinary Officer	Liam McTiernan
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):

Andy Lloyd, Recruitment Manager, Ospreys

Other attendees:

Observers:

Mike Hamblin, Chairman of EPCR Disciplinary Panel  
Daniel Griffiths, Academy Manager, Ospreys  
George Elliott, pupil of Daniel White

List of documents/materials provided to player in advance of hearing:

1. Notice of hearing issued on 11 December 2017 (in e-mail form)
2. Letter to chairman of EPCR Disciplinary Panel from Disciplinary Officer dated 11 December 2017
3. Red card report issued by Alexandre Ruiz ("Referee") dated 9 December 2017
4. Player's responses to standing directions provided on 11 December 2017 (in e-mail form)
5. E-mail from the Disciplinary Officer (attaching items 6., 7., 8. and 9., and further copies of items 3 and 4.) dated 12 December 2017
6. Statement from Thomas Charabas, assistant referee, dated 11 December 2017 (in e-mail form)
7. Statement from Laurent Cardrona, assistant referee, dated 11 December 2017 (in e-mail form)
8. Statement from Eric Briquet-Campin, TMO, dated 11 December 2017 (in e-mail form)
9. E-mail from Paul Shields of Northampton Saints dated 12 December 2017 with confirmation that no treatment required to the "victim" player (Juan Pablo Estelles - Northampton 23 ("N23")) and also purporting to include a statement from the "victim" player but not included - N.B. statement from N23 read out during hearing by Disciplinary Officer
10. Video clip - link provided in item 5. above

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

The Referee's red card report, in respect of an incident which was stated to have occurred after 77 minutes 1 second in the Match, was in the following terms:

"On a N attack, O 14 did a high tackle with his right arm on a 23 N. Contact was direct on the neck, with force and speed.

N player will be not injured.

After a call made by AR1 (CHARABAS THOMAS) and a review with the TMO. I gave a RED CARD."

The (unofficial English translations of the) statements from the assistant referee, Thomas Charabas, and TMO, Eric Briquet-Campin, were in substantially similar terms to the Referee's red card report.

The assistant referee, Laurent Cardrona, stated that he had not seen the incident.

Key elements of the video clip evidence are summarised in the "FINDINGS OF FACT" section below.

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

An e-mail was provided by Paul Shields, Team Manager of Northampton Saints, in the following terms:  
"Please see below from Juan. If it is not sufficient, please let me know but Juan is from Argentina and English is not his first language. I can also confirm that JP did not receive any treatment at the time or afterwards."

There did not appear to be any statement from N23 "below" as suggested.

However, this had been an oversight in what had been provided and so, during the hearing, the Disciplinary Officer read out the statement from N23 which, in summary, narrated that N23 was about to receive a pass and had been high tackled but that he was absolutely fine after the tackle.

## SUMMARY OF PLAYER'S EVIDENCE

On a number of occasions, it was stressed that the Player accepted that he had committed an act of foul play which warranted a red card and the need to ensure player safety was well understood, particularly with regard to the head and head area. Otherwise, the evidence and submissions (with regard to sanction) provided by the Player and by the Player's Representative on behalf of the Player were, in summary, as follows:

- What happened was not all in the Player's control.
- The Player was the last defender and was aiming to make a good, aggressive, defensive tackle, taking both man and ball and shutting down the potential of a pass to N23's outside man.
- N23's feet were off the ground and his arms were raised while attempting to receive a pass from his teammate but he failed to catch the ball and dropped it at his feet (by then on the ground). As a result, N23's arms had been lowered.
- If N23 had caught the ball, the Player would have made a legal tackle and made contact with N23 below his arms, in the rib area or below the shoulders.
- As a result of N23 not catching the ball, the Player made contact across the chest of N23 and to the neck of N23. No contact was made to the head of N23 and there was no clear evidence on the video of contact to the head.
- The backward movement of N23's head during the incident, as could be seen on the video, was a result of N23 running flat out and then being jolted when the tackle was made.
- The Player wrapped both arms round N23 and so it was not considered to be a "stiff arm tackle". He also tried to bring N23 safely to the ground once the Player realised what had happened.
- N23 was not injured and there was no impact on the Match.
- The incident was not intentional.
- The entry point should be low end.

## FINDINGS OF FACT

The Player had accepted that he had committed the act of foul play for which he had been shown a red card. Otherwise, based on the video evidence and supplemented by the evidence from and for the Player, the Committee:

- Accepted that the Player had initially adopted a body position consistent with the making of a legal tackle and had committed to making a tackle on N23.
- Accepted that N23's feet were off the ground when he attempted to catch the pass from his teammate, that he dropped the ball and that, upon replanting his feet on the ground, his body position became lower as his legs became more bent.
- Accepted that the Player did not make contact with the head of N23 but found that he did make contact with the chest and neck of N23.
- Found that the force of the contact was significant and the action of making contact was done at speed.

## DECISION

Breach admitted  Proven  Not proven  Other disposal (please state below)

## SANCTIONING PROCESS

### ASSESSMENT OF SERIOUSNESS

Assessment of Intent – R 7.8.32 (a)-(b)
<span style="color: red;">PLEASE TICK APPROPRIATE BOX</span> Intentional/deliberate <input type="checkbox"/> Reckless <input checked="" type="checkbox"/>
State reasons
<p>The Committee was satisfied that the Player intended to make a tackle on N23. The Committee found that the movement of N23 had contributed in part to the contact being made with N23's neck but that the Player had the primary responsibility to ensure that he made a safe and legal tackle.</p>
Gravity of player's actions – R 7.8.32 (c)
<p>Any contact with another player's neck with force and at speed was grave and had the potential to cause serious injury.</p>
Nature of actions – R 7.8.32 (d)
<p>The Committee was satisfied that there had been a genuine attempt by the Player to tackle N23 but that it had gone wrong and the Player's left arm had made contact with the chest and neck of N23 with force and at speed.</p>
Existence of provocation – R 7.8.32 (e)
None.
Whether player retaliated – R 7.8.32 (f)
Not applicable.
Self-defence – R 7.8.32 (g)
Not applicable.
Effect on victim – R 7.8.32 (h)
None.
Effect on match – R 7.8.32 (i)
None.
Vulnerability of victim – R 7.8.32 (j)
<p>Whilst N23 was not in a vulnerable position immediately prior to contact being made, any contact with force and at speed to the neck of another player inherently made that player become vulnerable.</p>
Level of participation/premeditation – R 7.8.32 (k)
<p>The Player fully participated in the offending but there was no premeditation.</p>
Conduct completed/attempted – R 7.8.32 (l)
<p>The conduct was completed.</p>
Other features of player's conduct – R 7.8.32 (m)
None.

**ASSESSMENT OF SERIOUSNESS CONTINUED**

Entry point					
<u>Top end*</u>	<u>Weeks</u>	<u>Mid-range</u>	<u>Weeks</u>	<u>Low-end</u> 2	<u>Weeks</u>
<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" 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 7.8.34 (a)
Not applicable
Need for deterrence – R 7.8.34 (b)
Not applicable
Any other off-field aggravating factors – R 7.8.34 (c)
Not applicable

Number of additional weeks:

**RELEVANT OFF-FIELD MITIGATING FACTORS**

Acknowledgement of guilt and timing – R 7.8.35(a)	Player’s disciplinary record/good character – R7.8.35 (b)
The Player had accepted that he had committed the act of foul play and that it had warranted a red card. This was done at the earliest possible opportunity in his responses to the standing directions.	The Committee was told that the Player had never received any red or yellow cards and that he had been with Ospreys for 9 years and had played over 100 matches for them.
Youth and inexperience of player – R 7.8.35 (c)	Conduct prior to and at hearing – R 7.8.35 (d)
Not applicable.	The Player's conduct at the hearing was impeccable.
Remorse and timing of remorse – R 7.8.35 (e)	Other off-field mitigation – R 7.8.35 (f)
The need to ensure player safety was accepted by the Player.	None.

Number of weeks deducted:

Summary of reason for number of weeks deducted:

Taken together, the Committee assessed that the mitigating factors should result in a reduction in the sanction of 50% of the entry point, being 50% of 2 and so a reduction of 1 week.

**SANCTION**

**NOTE:** PLAYERS ORDERED OFF ARE PROVISIONALLY SUSPENDED PENDING THE HEARING OF THEIR CASE, SUCH SUSPENSION SHOULD BE TAKEN INTO CONSIDERATION WHEN SANCTIONING – R 7.2.5

Total sanction	1 Weeks	Sending off sufficient <input type="checkbox"/>
Sanction commences	9 December 2017	
Sanction concludes	Midnight on Sunday 17 December 2017 (or on such later date as the EPCR Champions Cup round 4 match involving Ospreys is played)	
Free to play	Monday 18 December 2017, subject to the note above	

Signature (JO or Chairman)	<u>Pamela Woodman</u>	Date	<u>14 December 2017</u>
-------------------------------	-----------------------	------	-------------------------

**NOTE:** YOU HAVE THE RIGHT OF APPEAL AGAINST THIS DECISION AS SET OUT IN REGULATION 8.1 AND 8.2 OF THE EPCR DISCIPLINARY REGULATIONS. YOUR ATTENTION IS SPECIFICALLY DRAWN TO THE TIME LIMIT AND DIRECTIONS/REQUIREMENTS RELATING TO AN APPEAL SET OUT IN REGULATION 8.2.1 TO 8.2.4 OF THE REGULATIONS