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LEGAL VULNERABILITIES AND CRIMINAL PROCEEDINGS IN CONTACT SPORT: ICE HOCKEY AND THE DEATH OF ADAM JOHNSON

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1 INTRODUCTION

In October 2023, the tragic and premature death of 29-year-old American professional ice hockey player Adam Johnson made headlines worldwide. Johnson was fatally injured while playing for the Nottingham Panthers in an elite-level ice hockey league game in England, UK. While controlling the puck, Johnson was challenged by an opposing player, Matthew Petgrave. Petgrave's leg was raised during the play, causing the skate blade to strike Johnson's neck. The devastating incident was captured on video and shared on the internet.¹ Despite efforts of paramedics on the rink, Johnson was later pronounced dead at the hospital.

2 AFTERMATH AND CRIMINAL INVESTIGATION

Initial media reports and statements by the Nottingham Panthers described the incident as a 'freak accident' and 'unprecedented'.² Despite these reports, South Yorkshire Police launched an investigation concerning the death. In November 2023, they arrested a man in connection with the incident on suspicion of manslaughter, without identifying him.

In England and Wales, manslaughter is principally committed in one of three ways: (1) intentional killing where a partial defence applies (e.g., loss of control or diminished responsibility); (2) by grossly negligent conduct; and (3) by conduct taking the form of an unlawful act involving a danger of some harm that resulted in death.³ It is presumed that it is the latter two of these ways with which the

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¹ News.com.au, "Looked Like Murder": Horror Update on Ice Hockey Player's Death' *American Sports* (Web Page, 1 November 2023) <<https://www.news.com.au/sport/american-sports/looked-like-murder-horror-update-on-ice-hockey-players-death/news-story/dbb58594ab6a16f5e687ff3d7d9a473c>>.

² Nottingham Panthers, (X, 29 October 2023, 6:50pm) <<https://x.com/PanthersIHC/status/1718550740028039300>>; See also CBS News, 'Manslaughter Investigation Continues 1 Year After Adam Johnson's Hockey Death in England', *Sports* (Web Page, 28 October 2024) <<https://www.cbsnews.com/minnesota/news/manslaughter-investigation-1-year-after-adam-johnson-hockey-death/>>.

³ Crown Prosecution Service, 'Homicide: Murder, Manslaughter, Infanticide and Causing or Allowing the Death or Serious Injury of a Child or Vulnerable Adult', *Prosecution Guidance*

South Yorkshire Police and Crown Prosecution Service (CPS) were concerned. That is, the raised leg and/or positioning of the skate blade was either grossly negligent, and/or was an unlawful act involving a danger of harm.

The man was released on police bail (without charge) pending further investigation, and later publicly identified himself as, indeed, opposing player Matthew Petgrave.⁴ Understandably distraught by the incident, Petgrave launched a public crowdfunding campaign to cover legal costs as well as to donate to initiatives to promote safety in hockey.⁵

3 'NO REALISTIC PROSPECT OF CONVICTION'

On 29 April 2025, the CPS announced that it would not proceed with a prosecution, stating that there was no 'realistic prospect of conviction for any criminal offence'.⁶ Petgrave was on police bail for 18 months until the investigation concluded.⁷

Known as the 'Evidential Stage', before charging a person, prosecutors must be satisfied of this realistic prospect (of conviction) and, as part of this, must consider defences available to an accused, including the strength of such defences.⁸ To date, it is not clear what factors determined the decision not to prosecute, but it presumed that both the rules of the game and the nature of the collision would, no doubt, have been a key focus.

Interestingly, in Queensland, as an alternative charge to manslaughter, this matter may well have fallen properly under the relatively new offence of 'Unlawful Striking Causing Death'.⁹ The Crown would need to prove that the

(Web Page, updated 15 October 2024) <<https://www.cps.gov.uk/legal-guidance/homicide-murder-manslaughter-infanticide-and-causing-or-allowing-death-or-serious>>.

⁴ Sean Ingle, 'No Criminal Charges in Nottingham Panthers Adam Johnson Ice Hockey Manslaughter Case' *The Guardian* (Web Page, 29 April 2025) <<https://www.theguardian.com/sport/2025/apr/29/no-criminal-charges-in-nottingham-panthers-adam-johnson-ice-hockey-manslaughter-case>>.

⁵ Matthew Petgrave, 'Assistance needed for legal costs regarding allegation of Manslaughter', *Crowd Justice* (Web Page, 28 February 2025) <<https://www.crowdjustice.com/case/legal-costs-regarding-allegation-of-manslaughter/>>; Ibid (n 4).

⁶ Crown Prosecution Service, 'No charges for ice hockey player following the death of Adam Johnson' *News* (Web Page, 29 April 2025) <<https://www.cps.gov.uk/yorkshire-and-humberside/news/no-charges-ice-hockey-player-following-death-adam-johnson#:~:text=Michael%20Quinn%2C%20Deputy%20Chief%20Crown,other%20ice%20hockey%20player%20involved.>>>.

⁷ Ibid (n 4).

⁸ Crown Prosecution Service, 'The Code for Crown Prosecutors' (Web Page, 26 October 2018) <<https://www.cps.gov.uk/publication/code-crown-prosecutors>>.

⁹ See *Criminal Code Act 1899 (Qld)* s 314A.

strike to the neck was unlawful (i.e., not authorised, justified or excused), noting that the defence of ‘accident’ is expressly excluded for this offence.¹⁰

When drafted, it was anticipated that this offence may apply in a sporting context, and so a full defence is available in circumstances where the striking is both: (a) done as part of a sporting event; and (b) reasonable in the circumstances.¹¹ Again, where a person relies on this excuse as a defence, both the rules of the game and the way that the strike to the head or neck occurred would be placed under great scrutiny.

4 STEWARDSHIP AND THE DUTY OF CARE OF THE SPORT’S GOVERNING BODY

At the same time as criminal proceedings were pending, the actors involved in regulating and governing ice hockey were swift to enact rule changes. The organisational and governance structure of ice hockey involves several governance levels.

A *International*

At the international level, the International Ice Hockey Federation (IIHF) is the governing body of international ice hockey. The IIHF controls the promulgation of the international rulebook and presides over ice hockey in the Olympic Games and World Championships at all levels.¹²

In December 2023, the IIHF mandated neck laceration protection for all participants in IIHF-sanctioned tournaments, including the Winter Olympics and world championships.¹³ Penalties apply for non-compliance. Rule 9.12 mandating the wearing of this protection is extracted in part below:¹⁴

9.12. NECK LACERATION PROTECTOR

For all players in all categories of IIHF Competition, it is mandatory to wear a neck laceration protector designed for this specific purpose, choosing a design that covers as much of the neck as possible. The Neck Laceration Protector must be properly worn and must not be modified or alternated in any way. For violation of this rule, after warning by the Referee, a Minor Penalty shall be imposed ...

¹⁰ Ibid s 314A(2).

¹¹ Ibid s 314A(4).

¹² International Ice Hockey Federation ‘The IIHF’
<<https://www.iihf.com/en/statichub/4682/who-we-are>>.

¹³ International Ice Hockey Federation, ‘IIHF mandates neck laceration protection at all levels of IIHF competitions’ (Web Page, 4 December 2023)
<https://www.iihf.com/en/news/56022/iihf_mandates_neck_laceration_protection_at_all_le>.

¹⁴ International Ice Hockey Federation, IIHF Official Rule Book 2024/2025 (Version 1, 24 May 2024).

A Goalkeeper may attach a throat protector to the chin of their facemask. It must be made of a material that will not cause injury.

B *National*

At the national level, the English Ice Hockey Association (EIHA) mandated from 1 January 2024 the use of neck guards for all players in England.¹⁵ EIHA is the specific governing body for ice hockey in England and Wales. Ice Hockey UK is the overarching governing body for ice hockey in the United Kingdom; however, they collaborate on governance and administration.¹⁶ National leagues around the world, including Canada and America, have similarly mandated cut-resistant neck guards.¹⁷

5 CONCLUSION

These regulatory and governance responses, especially while pending the outcome of the criminal investigation, underscore the link between legal vulnerabilities arising in sport when player safety is threatened. They also illustrate the stewardship role of sport's governing bodies and the duty of care to ensure player safety through rule changes.

The untimely death of Adam Johnson has exposed the complex interplay between criminal liability and sport. We highlight that this was one of the rare occasions where a criminal investigation was mounted in circumstances where the death of a player occurred in a sporting context; something that is typically considered a response of last resort.¹⁸

While the CPS decided not to proceed with a charge of manslaughter, the incident triggered significant changes in protective equipment standards and safety protocols. For Matthew Petgrave, the case resulted in what must have been an incredibly difficult 18 months and a life-altering experience.

The case serves as a reminder of the risks inherent in contact sports and the evolving responsibilities of governing bodies to protect athletes.

¹⁵ England Ice Hockey, 'Safer Sport' (Web Page) <<https://englandicehockey.com/safer-sport/#:~:text=coaches%20and%20above-.Protective%20equipment,Rule%209.12%20Neck%20Laceration%20Protectors>>.

¹⁶ While these two entities are separate, they entered into a collaboration agreement around administration and governance. The mandated rules apply in both organisations.

¹⁷ Jesse Granger and Pierre LeBrun, 'NHL to Mandate Neck Guards for New Players Starting in 2026–27 Season', *The Athletic* (Web Page, 28 June 2025) <<https://www.nytimes.com/athletic/6457559/2025/06/27/nhl-players-neck-guards/>>.

¹⁸ Annette Greenhow and Matthew Raj, 'Regulating Unsanctioned Violence in Australian Sport: Time for a Vamplew 2.0?' (2020) 23(6) *Sport in Society* 1063.