

A new chapter - How intelligence and investigation can change the anti-doping work

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Intelligence is the ability to adapt to change.*

*Stephen Hawking

Intelligence & Investigations

Anti-Doping Organizations shall ensure they are able to do each of the following, as applicable and in accordance with the International Standard for Testing and Investigations:

- Obtain, assess and process anti-doping intelligence **from all available sources** to inform the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s); and
- **Investigate** Atypical Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively;
- **Investigate** any other analytical or non-analytical information or intelligence that indicates a possible anti-doping rule violation(s), in accordance with Articles 7.6 and 7.7, in order either to rule out the possible violation or to develop evidence that would support the initiation of an anti-doping rule violation proceeding. (Art. 5.8 WADC 2015)

Intelligence & Investigations

Investigative Process*

COLLECT

Information on possible doping infractions comes from many sources. Regardless of the source, the Intelligence and Investigations will begin by collecting additional information.

ANALYZE

Conduct an analysis with a scientific expertise.

INVESTIGATE

Coordinate with internal and external teams or partners like Anti-Doping Organizations, International Federations and law enforcement.

CONCLUDE

Follow the investigation of the claim and make the determination of whether the case requires additional follow-up or the case should be closed.

*Source: <https://www.wada-ama.org/en/what-we-do/investigation-trafficking/investigative-process>)

Intelligence & Investigations

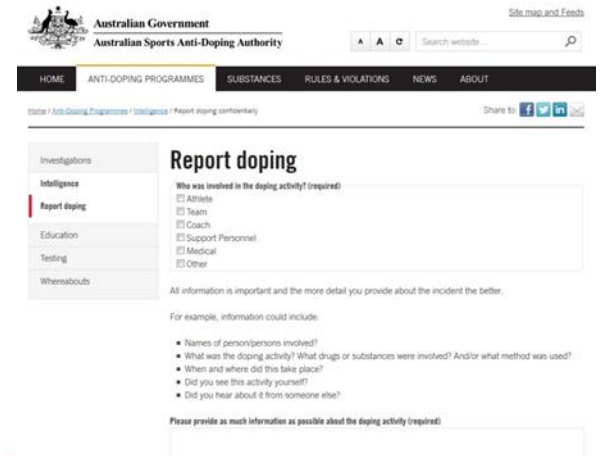
Further information

- Whistleblowing Program Policy and Procedure for Reporting Misconduct

Guidelines for Coordinating Investigations and Sharing Anti-Doping Information and Evidence”

Whistleblower System

- International approach



Whistleblower System

- „Sprich`s An“
 - Independent system
 - Whistleblowing via web application
 - No email / no one-way gate
 - „Postbox“ for anonymous communication, questions and status messages
 - Tested and certified data security
 - ULD und European Privacy Seal

The screenshot shows the NADA website's 'SPRICH'S AN' page. At the top, there is a navigation bar with the NADA logo and the tagline 'FÜR SAUBERE LEISTUNG'. Below the navigation bar, there is a search bar and a newsletter subscription field. The main content area features a large image of a woman sitting on a basketball court, followed by the heading 'SPRICH'S AN' and a detailed description of the anonymous reporting system. A sidebar on the right contains sections for 'Anspruchspartner' (Regine Reiser) and 'FAQ'.

SPRICH'S AN

Um zur anonymen Hinweisabgabe zu gelangen, bitte folgende URL kopieren:

<https://www.bkms-system.net/NADA>

Nach dem Aufruf der Internetadresse kann in wenigen Schritten der Hinweis anonym abgegeben werden.

Egal wie klein der Verdacht auch sein mag, jeder Hinweis kann entscheidend sein!

„Aber ich habe es nicht richtig gesehen...“
 „Aber sie werden doch wissen, dass ich sie verpöffe habe...“
 „Aber ich habe das nur gehört...“
 „Aber ich möchte eigentlich nicht petzen...“
 „Aber es ist doch kein Athlet...“
 „Aber ich weiß nicht, ob es überhaupt erwähnenswert ist...“

Nur so können Strukturen aufgedeckt, Missverständnisse ausgeräumt, Hintermänner identifiziert und Betrüger entlarvt werden.

Hinweise, die über dieses Portal abgegeben werden, sind anonym und werden strikt vertraulich behandelt. Die Bereitstellung dieser speziell gesicherten Kommunikationsplattform bietet die Möglichkeit, sich durch Anonymität zu schützen und gleichzeitig aktiv an der Aufklärung von Dopingverstößen oder kriminellen Verhältnissen mitzuwirken. Jeder Hinweis kann das entscheidende Teil im Puzzle sein! Das BKMS-System ermöglicht dem Hinweisgeber und der NADA, miteinander in Kontakt zu bleiben und so den Einbahnstraßencharakter anonymen Meldungen zu vermeiden. Dafür steht dem Hinweisgeber frei, sich einen geschützten anonymen Postkasten in dem System einzurichten.

SPRICH'S AN und lass nicht zu, dass andere Deinen Sport zerstören.

Anspruchspartner

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FAQ

Wie läuft eine Meldung ab?
 Was ist ein Postkasten und wie richte ich diesen ein?
 Wie bekomme ich eine Rückmeldung und bleibe trotzdem anonym?
 Information zu Datenschutz und Datensicherheit

Whistleblower System – challenges and risks

- Information gathering from all available ressource“
 - Testing, profiles, whereabouts, TUE, press reports, social media
- Protection of the Whistleblower
 - Anonymous Information providing
 - **But:** No safety and security measures to protect the person (like law enforcement agencies and public investigators)
 - **Solution?** Collaboration with public prosecution and law enforcement agencies!?

Anti-Doping-Law in Germany – essential changes

1. Bundling of the legal provisions in a consistent law

Transfer and expansion of the provisions from **Pharmaceutical Products Act**.

2. Doping substances and doping methods are recorded.

3. Prohibition of self-doping subject to punishment in

- a. top athletes who are recorded in a **test pool** of (NADA) or
- b. athletes achieving **considerable income** with the sport.

4. Punishable possession "from the first gram".

5. Authorisation of state governments to **focus** the **anti-doping criminal proceedings** in certain courts by legal regulation.

Anti-Doping-Law – Effects on the work of NADA

1. Authorisation basis for the **data transmission** of courts and public prosecutions **to NADA**.
2. NADA may collect **personal data**, process and use them.
3. Clarification of the **admissibility of arbitration agreements** in the contracts between associations and athletes.

Anti-Doping-Law – risks and challenges

- **Sports law** generally is an **effective tool** to punish doping offenders.
- **Constructive coexistence** of sport and criminal persecution of doping.
- The athletic values that are protected – fairness and equal opportunities – cannot be protected by criminal law. Therefore, **joint action of sport and criminal law** is of enormous importance. Particularly backers, such as doctors who administrate doping agents, must be persecuted by the state with the means of criminal law.
- For NADA, it is a priority that the **cooperation with the investigative authorities** be improved and that it receives all important information to use them for target controls or further research.

Conclusion

Intelligence and Investigations opens a new chapter that can change the anti-doping work and helps to protect clean athletes.

Adding Intelligence and Investigations is a breakthrough in the fight for clean sport.

But measures to safeguard a Whistleblower must be improved.

Thank You!

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