Blood on Their Hands: How Statistical Modeling is Endangering Athletes Everywhere

The Claudia Pechstein Case
Introduction

- The world’s leading independent resource for swimming since 1960, with news, television, magazines, radio, events, and shopping, etc.

- Anti-doping issues in swimming arose out of the 1973 FINA World Championships, Belgrad, Yugoslavia. SWM reported on doping concerns eight months before Belgrad.

- *Swimming World Magazine* staff called on and supported the work to help create a global anti-doping agency for nearly 20 years.
Case Characteristics 1

- The Claudia Pechstein case was biased and arguably the most unjust case the history of the Olympic Movement.

- It damaged the integrity of sports and anti-doping efforts, nearly killing Europe's greatest winter Olympian, an honorable and clean, nine-time Olympic medalist and five-time Olympic gold medalist.

- It was controversial even before the start, dividing the anti-doping authorities and scientists over the introduction of ('abnormal') blood values used *solely* as indirect evidence of doping.

  “The problems haven’t been solved yet. The alarm bells are going off,” stated one former anti-doping executive.

- But, its the clean athletes who are paying the price for the sport governing bodies’ learning curve.
Pechstein has been administered 348, combined, blood and urine, in-and-out of competition doping tests, by the top German, US, and European anti-doping labs, from December 12, 1991 (in-competition test, in Berlin) through December 12, 2009, in Salt Lake City.

The Hamar blood values were the *excuse* to prosecute Claudia Pechstein, not the *reason* they brought the case against her.

"She's been on everyone's radar screen for a long time."
– David Howman, Secretary General, WADA

According to anti-doping executives, the authorities *wanted* to establish a precedent with indirect evidence of doping by quoting her RET% values in order to rely on those figures solely in her prosecution.
Many anti-doping experts believe the case should never have happened. Bringing it to CAS can never be justified.

The prosecution and conviction of a clean, healthy and honorable Olympic athlete can never be the fault of an athlete. The anti-doping authorities and the sport federation must take full responsibility for the case and any "friendly fire" mistakes.

It is the duty of WADA, the NADOs, and the sport federations to protect clean, healthy Olympic athletes from human suspicion, from false allegations (verbally or statistically), from damaging scientific voyeurism and the inevitable legal carnage.

The anti-doping authorities make statements beginning with "In the war against doping in sports..." Well in war, "If you break it. You fix it."
“It's just like the Landis case, it belongs in the same bucket as Tim Montgomery.”

- A senior anti-doping executive
“The only thing standing between indirect evidence of doping and all hell breaking loose against the athletes is Claudia Pechstein.”

- Dr. Roland Augustin
CEO, NADA, Germany
2003 - 2007
There are five main areas of concern (AOC) in the Pechstein case that deserve your immediate attention:

1.) Time Line Developments/The Value of Indirect Evidence

2.) Media

3.) Communications (Strategic Communications, Communication Forensics, Operational Mechanics)

4.) Statistical Modeling: The Value of the Indirect Evidence?

5.) The Value of an Athlete
Areas of Concern 2: Time Line / The Value of Indirect Evidence

1. Jan 1, 2009: WADA enables prosecution on the basis of ('abnormal') blood values.

2. Feb 6-7, 2009: So-called 'abnormal' blood values observed in Hamar, NOR. Mrs. Pechstein barred from competition.

3. Feb 12, 2009: Data sent to Lausanne laboratory for further scrutiny. That fact alone raises the concern they may have improvised in Hamar.


5. Dec 2, 2009: WADA operating guidelines approved. Mrs. Pechstein would still have skated under these guidelines.

6. 2010: Various requests sent to Lausanne laboratory to provide details about their assessment of the data. No reply.

-Source: Klaas Faber, Ph.D.
The Pechstein case was a media intensive event. The promotion and talk about establishing indirect evidence of doping by experts utilizing statistics was highlighted in the mainstream press for many weeks prior to and during the announcement of the blood values of Claudia Pechstein and the case against her. The interviews and comments were on the scrolling red tickers of many of the global and European media channels, etc.

There was a lack of serious investigation into the Hamar and Lausanne incident/relationship and the ISU concerning the events and process of her case.
- Regarding the Pechstein case, there have never been so many experts, present and former anti-doping executives, attorneys and other sport officials wanting to be off-the-record, only meeting or calling confidentially, and not wanting their name or opinion known, regarding the prosecution of Pechstein and the blood passport system. This is cause for concern.

- Try getting answers to questions, and verification from the ISU, DESG, the BKA, the Staatsanwaltschaft München I, and any one of a number of agencies, labs, or individuals, over the course of the weeks, and you run into blocks, delays, avoidance, referrals, no return calls/emails, or any one of a number of other communication gaps or breakdowns. Its not easy getting things right, when there is such an avoidance for clear communication at most points on the compass.
The anti-doping authorities/ISFs are not immune from human influence factors, personal and system bias, closed systems, prosecutor’s fallacies, sub-standard information process management, that influence decisions, go/no go scenarios, to prosecute athletes, to accept or buy into statistical models or current systems in place.

We have to look at corruption in sport beyond the financial parameters and match fixing, and broaden the scrutiny and definition of corruption to include the integrity of information/data especially in internal and external communications.

They need to understand **strategic communications, communication forensics and operational mechanics**. In my respectful opinion, these are **strategic systemic vulnerabilities** in anti-doping. Making anti-doping executives and organizations vulnerable to inter-personal relationships and not evidence-based decision-making models.
“They played by their own rules.“ -David Howman, General Secretary, WADA. “She was convicted. They followed the procedures.“ However, you can do things right, and still get it all wrong.

- Any information based organization is not immune from the same data integrity/information structural problems other information based agencies face like military and governmental organizations.

- Anti-doping agencies can benefit and be strengthened from the knowledge base about information flow streams (ISF), influence factors, communication forensics and decision making models from the U.S. military, State Department and other information based agencies.
“I think few people realize what has happened in Lausanne. The CAS decision implies that the indirect proof is a reliable method. In future cases, one can only point at procedural errors that might have caused the adverse result. Specifically, in theory, one can no longer challenge the calculation (or science) that distinguishes between a 'normal' and 'adverse' finding…”

- Dr. Klaas Faber, Ph.D. CEO, Chemometry Consultants Beek - Ubbergen, NED
The desire to prosecute athletes for indirect proof of doping, mixed with the possibility of flawed statistical modeling, and a lack of evidence-based, decision making models, is a danger to clean athletes everywhere.

Many feel, the outcome of these statistical models should never play a solo or even a major role, in determining whether to prosecute an athlete or not. They should only be used for screening purposes. - Donald A. Berry, and Lee Ann Chastin, *Inferences about Testosterone Abuse Among Athletes*, 2004
According to Mr. Klaas Faber, Ph.D., a member of Pechstein’s defense team, when a single value was 1% above a given threshold, they should have instantly run a simple basic calculation with approved, validated, statistics to decide whether this should be a concern. That is called establishing the statistical significance of the value. It’s an important calculation. Faber believes that the statistical model, the calculation itself, was wrong, and Pechstein should have been allowed to continue to skate.

Currently, one does not know the value of the single indirect evidence in the Pechstein case. That means in Hamar, NOR, Feb 6-7, 2009 they may have improvised, otherwise they would not have sent the data to Lausanne, Feb 12, 2009. – Klaas Faber, Ph.D.
What is emerging in the analysis of these cases is the little value placed on the lives of the athletes, before, during, and after the processes. Many feel it is time to examine the human cost to the athletes from all sides regarding their emotional, psychological, medical and financial health as they battle charges against them in CAS.

There must be nothing more humiliating, nothing more degrading, nothing more personally damaging and traumatizing, than to hear that the international federation and the anti-doping authorities whom you respect, and admire, have now turned on you, and are statistically finger-pointing, accusing you of doping, because of a single blood value.
It is beyond comprehension, how betrayed a clean, Olympic athlete must feel, and what they emotionally and psychologically experience, when falsely accused.

Can they ever be competitive at the same emotional level they once were? Most think it is unlikely.

“In the war against doping in sports…” if you break it, you fix it.

How will they restore a falsely accused nine-time Olympic medalist? A five-time Olympic gold medal winning athlete?

Do they have a program?
Areas of Concern AOCs 3

- Who and how many agencies can prosecute athletes for doping?

- In relation to the Hamar event, What did they know? When did they know it? What happened on site? What happened in Lausanne?

- What was the grounds for the BKA investigation? A blood value? The DOSB President?

- How many ad hoc committees are there in anti-doping? Are there EU data protection laws that are possibly violated?

  - What was the perfect answer that would have stopped the prosecution from going to court? What must the athlete have done?

  - What will WADA and the IOC do now to exonerate and restore Pechstein’s life and sport career?
The CAS award stated regarding her blood values that “they must... derive from the Athlete’s illicit manipulation of her own blood, which remains the only reasonable alternative source of such abnormal values.”

- CAS Statement
BERLIN – Germany’s speedskating association says the state prosecutor in Munich has found no evidence of doping against former Olympic speedskating champion Claudia Pechstein.

The association said Wednesday that no criminal offense was found in an investigation launched by the German Olympic Sports Union against suspected accomplices following Pechstein’s two-year ban for suspected blood doping. Searches of more than 20 premises and numerous testimonies failed to show any evidence of wrongdoing.

Pechstein said she was “not surprised ... where there is no doping offense, there can be no accomplices.” The 39-year-old Pechstein, who won nine medals at four Olympics, returned to racing in February after being banned for abnormal blood levels -- despite never failing a drug test.

She has always denied doping.

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"Claudia Pechstein is innocent.

Deal with it."

- Steven V. Selthoffer
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