

WADA

Intelligence & Investigations

INVESTIGATION POLICY

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1. INTRODUCTION AND SCOPE

In order to enhance WADA's capacity to protect clean athletes, various mechanisms have now been put in place in order to empower WADA's Intelligence and Investigations Department to conduct efficient and effective investigations resulting in possible anti-doping rule violations.

The first such mechanism to be put in place was the inclusion and adoption of new provisions into the 2015 World Anti-Doping Code which provided WADA with the authority to initiate and conduct its own investigations. Both the Independent Commission and the Independent Person Investigations carried out in 2015 and 2016 applied this Code-based authority to conduct their respective investigations, which resulted in the lifting of the veil on systemic doping activities in certain sports and countries.

Another mechanism is the integration and adoption of mandatory standards for the efficient and effective gathering, assessment and use of anti-doping intelligence in the International Standard for Testing and Investigations. This was followed by the development of a *Policy and Procedure for Reporting Misconduct* that, among other things, establishes how individuals can raise their concerns about potential anti-doping rule violations with WADA's Intelligence and Investigations Department, as well as how investigations into potential misconduct should be conducted. The March 2017 launch of the "[Speak Up!](#)" program – confidential gateway to the WADA Intelligence and Investigations Department – has and will continue to facilitate access to the Department for whistleblowers and provide it with an additional resource to obtain critical information to conduct investigations.

This Policy, which was first approved by the WADA Foundation Board on 18 May 2017, and updated on 01 October 2020 outlines how the WADA Intelligence and Investigations Department will perform its work and conduct investigations. It applies to all intelligence collection activities and investigative activities conducted by the WADA Intelligence and Investigations Department.

The Policy will be subject to regular review and assessment. Consequently, stakeholders should consult the [Intelligence and Investigations section](#) on WADA's website for the most recent version of the Policy.

2. THE WADA INTELLIGENCE AND INVESTIGATIONS DEPARTMENT

The WADA Intelligence and Investigations Department is comprised of one Director, assisted by investigators, intelligence analysts and an assistant.

The Director's role is to investigate potential anti-doping rule violations or non-compliances with the World Anti-Doping Program, to deal with and manage whistleblowers and to cooperate, where necessary, with other Anti-Doping Organizations and law enforcements authorities.

The Director organizes the work within the Department in an appropriate fashion.

3. INVESTIGATIVE PROCESS

The investigative process is detailed in Appendices 1 and 2.

All aspects relating to informants and whistleblowers and related investigations are addressed in the *Policy and Procedure for Reporting Misconduct*, which is available on the [Intelligence and Investigations section](#) of the WADA's website, as well as on the "[Speak Up!](#)" platform.

4. INVESTIGATIVE PRINCIPLES

In conducting its investigations, the WADA Intelligence and Investigations Department shall respect the World Anti-Doping Code and International Standards, as well as internationally recognized best practices and investigative and legal principles.

The WADA Intelligence and Investigations Department shall conduct its work with integrity, ethics and professionalism.

5. INDEPENDENCE

The WADA Intelligence and Investigations Department operates independently from the rest of the Agency. It may run any investigation that it deems appropriate, in accordance with this Policy, without seeking the prior consent or approval of the WADA Executive Committee, the WADA Foundation Board, the WADA President or WADA Director General.

6. FINANCE

The WADA Intelligence and Investigations Department may conduct any investigation it deems appropriate, within the limits of its budget. If additional funds are required, a request will be made to the WADA Director General.

7. LEGAL

If any legal issue is raised during the course of an investigation, the WADA Intelligence and Investigations Department shall seek legal advice from the Director of the WADA Legal Department.

8. INDEPENDENT SUPERVISOR

In order to ensure that all of the work performed by the WADA Intelligence and Investigations Department is conducted in accordance with this Policy, an Independent Supervisor will be appointed to audit the Department's work.

The Independent Supervisor will be appointed by the WADA Executive Committee, following a recommendation made by the WADA Director General.

This Independent Supervisor shall have extensive and relevant experience in the field of law enforcement investigations and/or criminal prosecution, and, if possible, some knowledge of anti-doping rules and procedures.

The Independent Supervisor will be appointed for a period of three (3) years, renewable for one (1) subsequent three-year term.

The name, and description of the relevant experience of the Independent Supervisor will be published on WADA's website.

9. AUDITS

a. Annual Audit

The Independent Supervisor will conduct an annual audit of the WADA Intelligence and Investigations Department.

Such an audit will ensure that the Department's work continuously and rigorously satisfies best practices, follows the applicable laws and regulations, and protects the rights and privacy of individuals.

The Independent Supervisor will submit to the WADA Director General and the WADA Executive Committee a written report once a year prior to the first annual WADA Executive Committee meeting.

The conclusions of the audit report will be made public on WADA's website once approved by the WADA Executive Committee.

b. Additional audits

The WADA Executive Committee, if requested by a majority of its members, the WADA President, or the WADA Director General may request that in addition to the regular annual audit, an extraordinary/special audit be undertaken by the Independent Supervisor at any time.

The Independent Supervisor will submit to the WADA Director General and the WADA Executive Committee a written report once the special audit is completed.

The conclusions of the special audit report will be made public on WADA's website once approved by the WADA Executive Committee.

10. STORAGE

a. Electronic data

The WADA Intelligence and Investigations Department's operational data – i.e. data that is used to support an ongoing investigation, including personal data – will be stored within a secure and encrypted environment and entirely separate from any other WADA Department or other WADA databases. Access will be strictly limited in accordance with Article 14.6 of the World Anti-Doping Code and the [International Standard on the Protection of Privacy and Personal Information \(ISPPPI\)](#).

b. Physical evidence

All physical evidence, including but not limited to documents, photos, videos, products and/or related packaging, discarded medical equipment, etc., will be identified, assessed, and recorded. All physical evidence will remain in a dedicated safe box with restricted access.

11. COMMUNICATION

Intelligence exchanges with individuals or organizations outside of WADA (e.g. law enforcement) shall be via encrypted means (where reasonably practicable) and will satisfy the highest security standards, in addition to satisfying the ISPPPI.

12. CONFIDENTIALITY

The overall investigation process shall remain confidential at all times until its conclusion and until a final report is provided to the WADA Director General.

In exceptional circumstances, where a particularly severe anti-doping rule violation or non-compliance with the World Anti-Doping Code has been established and needs to be prosecuted without delay to safeguard the interest of the anti-doping community, an intermediary or partial report, together with the relevant evidentiary material, may be provided to the Director General by the WADA Intelligence and Investigations Department, under the condition that such disclosure does not harm in any fashion the remainder of the investigation. The procedure set out in article 13 below will be followed.

During the course of an investigation, the WADA Intelligence and Investigations Department may liaise with other WADA Departments to obtain advice and information.

Any disclosure of information from the WADA Intelligence and Investigations Department to another WADA Department shall be on a need-to-know basis and any persons who receive such information shall maintain its strict confidentiality.

13. POST-INVESTIGATION

Upon the completion of an investigation, the Intelligence and Investigations Department will share the final report with the Director General, President and implicated departments at WADA for assessment of proposed recommendations. These parties may, where appropriate, propose new/amended recommendations and/or actions.

A management report will then be prepared summarizing key findings, outcomes, and recommendations. The management report will not contain confidential information regarding individuals, results management processes, or witnesses and confidential sources.

The Investigations Department will consult with internal and/or external legal advisors to determine whether the management report can be shared with the Executive Committee, the Foundation Board, and the public. This review is necessary to ensure its distribution will not affect ongoing or reasonably anticipated results management or legal proceedings or violate confidentiality.

If approved, the management report will then be shared with the Executive Committee and Foundation Board. The Director of the Investigations Department can provide further information to the Executive Committee or Foundation board verbally if requested.

If appropriate, the management report will also be published on WADA's website.

Separately, any relevant information that formed the basis of the investigation will be provided to the relevant Anti-Doping Organization for prosecution and adjudication of the matter. The

concerned department at WADA will be responsible for monitoring the implementation of recommendations or actions.

If the matter relates to non-compliance with the World Anti-Doping Code, the relevant information will be provided to the WADA's internal Compliance Task Force.

WADA may, if appropriate, refer the case to law enforcement authorities, professional disciplinary bodies and other relevant parties.

Appendix 1 - INVESTIGATIVE PROCESS

<p>Stage 1 Collect</p>	<p>Stage 2 Analyse</p>	<p>Stage 3 Investigate</p>	<p>Stage 4 Conclude</p>	<p>Stage 4a Confidentiality</p>	<p>Stage 5 Communication and Follow up</p>
<p><u>Collect</u></p> <ul style="list-style-type: none"> Receive allegations by Speak Up! email, phone, in person, audit, web, Anti-Doping Organizations and Sports Federations. 	<p><u>Collect</u></p> <ul style="list-style-type: none"> Analyse internal and external sources to validate allegations: statistics, reports, confidential sources, databases /ADAMS, WADA departments, ADOs, IFs, Media, Open-Source Intelligence. 	<p><u>Collect</u></p> <ul style="list-style-type: none"> Investigate contradictions and collect further information if necessary – based on results of Stage 	<p><u>Report</u></p> <ul style="list-style-type: none"> Draft case report that reflects facts, not opinions. Report will offer no premature judgements or conclusions. If confidential sources are involved, the Confidential Information Unit needs to review and provide final approval. 	<p><u>Management version</u></p> <ul style="list-style-type: none"> Draft a management version of the report highlighting the most important findings and outcome. Include all proposed recommendations and actions. Remove all confidential information if Result Management Process against individuals is ongoing Remove all confidential information related to witnesses and confidential sources to protect their identity. Remove any other personal or confidential information. 	<p><u>Notify</u></p> <ul style="list-style-type: none"> Inform the DG/President about the outcome / recommendations and further actions by WADA. Based on Legal assessment, DG/President determine how management report will be communicated. Forward for result management to respective organizations when applicable. Inform ExCo and Foundation board – on a confidential basis - about outcome and actions, as soon as appropriate. Publish Management report on WADA's Investigation Website and Media release if appropriate.
<p><u>Register</u></p> <ul style="list-style-type: none"> Every incoming allegation will be registered within I&I's Case Management System and assigned a unique case number. 	<p><u>Collate</u></p> <ul style="list-style-type: none"> Store and cross-reference data for easy reference. 	<p><u>Interview</u></p> <ul style="list-style-type: none"> Prepare interview strategy and questions. Conduct interviews: Q&A approach, cognitive approach, conversations management (who, what, when, where, why). Interviewee signs his/her statement. Investigation may require additional interviews. 	<p><u>Inter-departmental Review at WADA</u></p> <ul style="list-style-type: none"> All implicated departments review the report. Assess proposed recommendations for implementation. If appropriate, propose new recommendations or actions. 	<p><u>Legal Review</u></p> <ul style="list-style-type: none"> Review of the management report by Legal to determine whether it can be shared in accordance with the Code and the ISPPPI and to assess risks of disclosure. Consult external experts if necessary. 	<p><u>Follow up</u></p> <ul style="list-style-type: none"> Follow up results and recommendations with appropriate stakeholders. Case remains open in I&I Case Management system until all actions and recommendations implemented. Internal I&I evaluation of investigation Data quality control. Inform DG/President/ExCo/ Foundation Board about final investigation results. Provide entire case file for yearly Audit.
<p><u>Pre-Analysis</u></p> <ul style="list-style-type: none"> Review of allegations for validity, reliability and accuracy. What is the allegation, who is the source, what are the initial facts, are the alleged persons still active, any discrepancies, any mitigating circumstances, does evidence exist, how serious are the allegations, level of urgency, etc. 	<p><u>Integration</u></p> <ul style="list-style-type: none"> Transform information into a visual format: network chart or timeline diagram. 	<p><u>Law enforcement</u></p> <ul style="list-style-type: none"> Forward information/intelligence to law enforcement if reasonable grounds to suspect criminal activity and disclosure is permitted by applicable law. Support/liase with them during the investigation. 			
<p><u>Recommendations</u></p> <ul style="list-style-type: none"> Propose next steps: follow up by I&I, by ADO/IF, Interpol (if there are reasonable grounds to suspect criminal activity) or close the case. Use Case decision matrix to prioritize case within I&I. Distribute intel via Case Transmission Form as FYI, Tier 1, 2, 3 	<p><u>Interpretation</u></p> <ul style="list-style-type: none"> Apply inductive or deductive logic to develop inferences: who, what, when, where, why and how. 				
	<p><u>Hypothesis</u></p> <ul style="list-style-type: none"> Coalesce all assumptions, draw conclusions and highlight contradictions. 				

Appendix 2 - CASE DECISION MATRIX

Irrefutable evidence (video, audio, computer)	Red	Red	Red	Red	Red	Red	Red
Evidence (documents, statements) from multiple sources	Orange	Red	Red	Red	Red	Red	Red
Evidence (documents, statements)	Green	Orange	Orange	Orange	Red	Red	Red
Multiple similar detailed allegations from known sources	Green	Orange	Orange	Orange	Orange	Red	Red
Detailed allegation from known source	Green	Green	Green	Green	Green	Orange	Red
Multiple similar allegations from known sources	Green	Green	Green	Green	Green	Orange	Orange
Allegation from known source	Green	Green	Green	Green	Green	Orange	Orange
Anonymous allegation	Green	Green	Green	Green	Green	Green	Green
Hearsay from known source	Green	Green	Green	Green	Green	Green	Green
Anonymous hearsay	Green	Green	Green	Green	Green	Green	Green
Assumption	Green	Green	Green	Green	Green	Green	Green
Red: WADA I&I Department investigates Orange: WADA I&I Department considers to investigate Green: Case to be forwarded to respective ADO	Sports entourage (<i>except Doctors, Coaches</i>)	Athlete	Group of Athletes/Team	Coaches, Doctors	Reported by Media	Organization (ADO, IF)	Crime (Bribery, corruption)