

## Intelligence and Investigations Department

### Annual audit conducted by the Independent Supervisor 31 August – 12 October 2020

In keeping with article 9 (a) of [WADA's I&I Policy](#), on an annual basis, an Independent Supervisor is required to conduct an audit of the I&I Department.

Such audits are intended to 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.

Once a year, the Independent Supervisor is required to submit a written report to WADA's Director General and Executive Committee (ExCo) and, once approved by the ExCo, the conclusions of the report are to be made public on WADA's website.

Outlined below are the report's 'conclusions and potential improvements' concerning the third annual audit conducted by the Independent Supervisor, Mr. Jacques Antenen, from 31 August – 12 October 2020. Mr. Antenen is currently Commander of the Vaud Cantonal Police in Switzerland. He is also a former Investigating Judge of the Canton of Vaud and Special Federal Prosecutor of the Swiss Confederation.

Note: The below is an English translation of the French original.

#### **Audit report conclusions — potential improvements and areas of concern**

A. According to the Department

1. Hire additional resources in keeping with the Department's established four-year plan. Adjust the Department's budget accordingly.

In concrete terms, this means that three additional people need to be hired as soon as possible, ideally by the end of 2022.

Independent of the above, the creation of a compliance unit with three team members.

2. Need to physically separate the premises occupied by the CIM [Confidential Information Manager]. The CIM works with WBs [Whistleblowers] and, for obvious reasons of confidentiality, needs an appropriate, private, work area.

This recommendation is taken word for word from my 2019 report. However, the required adaptations have yet to be made, in part because of the COVID-19 crisis.

3. The Director expressed a certain concern that the eventual adoption of the Rodchenkov Act by the U.S. authorities will have an impact on the Agency's activities.

The potentially expanded, even universal scope of this legislation overlaps with WADA's efforts and, overall, endangers the global anti-doping system.

WADA could also find itself deprived of the funds it clearly needs for its operations and development.

In addition, snowball effects in other countries must not be underestimated.

B. According to the Supervisor

1. Even though their numbers were limited, the Department was able to benefit from reinforcements during the year. The Department now has 12 staff members, compared to 10 a year ago.

Ongoing efforts in the area of resourcing and recruitment are essential.

The goal of having four investigation teams in the short term (by the end of 2022) must remain a priority. Four teams are essential to cover all four global regions (Americas, Europe, Africa and Asia/Oceania), with the first two regions being handled by the teams in Montreal and the latter two by the teams in Lausanne.

It is hence imperative that the Director be allocated the necessary funds to hire three additional people by the end of 2022.

2. The Department alone cannot bear all of the responsibility for anti-doping investigations. More than ever, it is important to develop and verify the International Federations' (IFs') and Anti-Doping Organizations' (ADOs') skills and promote the creation of effective, independent, ethical structures. That is why it makes even more sense to create the new 'Compliance Unit' or 'Compliance Investigation Section' (made up of three people) and attach it to the Department as soon as possible.
3. Considering the resources available to the Department, the quality of its work remains exceptional. The calibre and commitment of the team members recruited by the Department are impressive. It goes without saying that the three new recruits (a relatively high number due to two departures during the audited year) must be given a chance to prove themselves.
4. As pointed out last year, to ensure the structure's long-term existence, it is important that in the event of an absence or a departure (for contractual, family or personal reasons), all team members can be replaced with no major difficulties.

The new organization in place enables this, thanks to the precision of the mission assigned to each team member. It also opens up prospects for promotions.

In addition, and not insignificantly, the new organization relieves the Director of part of his workload, which was gradually becoming unmanageable. He is now less involved in purely operational aspects and has more time at his disposal to determine the Department's strategy and participate in the process for recruiting new team members.

5. More than ever, it is important not to judge the Department's operations and, more specifically, those of the IU [Investigation Unit], on the basis of the number of files processed.

The IU continued to be monopolized by a small number of major issues (six), including 'Operation LIMS', which, by itself, accounts for approximately 300 cases to be processed.

Given this huge number, criticism aimed at WADA, and the Department in particular, is even more unfair.

In the Supervisor's opinion, the source of this criticism is not the Department's competence or operational capacity.

The Supervisor thus shares the Director's concerns, which must not be underestimated by WADA's governance.

6. The Director's expectations in terms of logistics, namely the need to create a separate, enclosed office for the CIM, have to continue to be taken into account, even though it is understandable that the COVID-19 crisis and its impact, especially in Montreal, have disrupted the office layout projects.
7. Another reminder: The Department's team members have to remain at the leading edge of anti-doping knowledge.

Maintaining this knowledge requires ongoing high-level training. There is now a file for each team member, identifying and listing training needs; this is a positive development.

8. The audit was conducted in an extremely positive atmosphere, despite the fact that distance was obviously an obstacle to smooth deployment of certain aspects, especially logistics. The Supervisor was given access to all of the documents and information he felt he needed in order to complete his mission.

For obvious reasons, this report is anonymized. Only the Director is named.

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Lausanne and Lutry, October 2020