

## **Intelligence and Investigations (I&I) Department**

### **Annual audit conducted by the Independent Supervisor 14-17 September 2021**

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 WADA I&I. Such audits are intended to ensure that the work of the Department is regularly reviewed to ensure it continues to meet international best practice standards in a lawful and ethical way, while protecting the rights of individuals at all times.

Annually, the Independent Supervisor is required to submit a written report to WADA's Director General and [Executive Committee](#) (ExCo). To ensure transparency, once approved by the ExCo, the conclusions of the report are made public on WADA's website. The ExCo approved this year's report at its [24 November](#) meeting in Paris, France.

Outlined below are the report's conclusions and suggested improvements concerning the fourth annual audit conducted by the Independent Supervisor, Jacques Antenen. 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.

#### **Audit report conclusions — points to consider, potential improvements and areas of concern**

##### **A. According to the Department**

1. It is absolutely necessary to hire two new team members specifically for training and continuing education for anti-doping investigators, particularly in the Anti-Doping Organizations (ADOs). To this end, WADA I&I submitted a proposal to a pilot project of the European Commission's Erasmus+ initiative to build I&I capacity and capabilities of ADOs and law enforcement agencies. If this proposal is successful, it will improve overall efficiency and help level the playing field between sports and between countries.
2. The new WADA organizational chart and modern work methodology will need to be tested. However, for the WADA I&I Director, Gunter Younger, the most important thing is that the Department maintains its independence.
3. On a similar note, Mr. Younger seems confident about the successful implementation of new work methods introduced by the organization

and the Department, which include monitoring budgets and tracking time spent on investigations and operations.

4. Attention should also be paid to integrating the Compliance Investigation Section (CIS) into the Department. This new unit had a difficult start due to the isolation brought on by COVID, as well as a lack of clarity on its position.
5. The Director plans to maintain silos to a certain extent between the Investigation Unit (IU) and the Confidential Information Unit (CIU) activities in order to protect IU investigators in the event they are called upon to testify before decision-making authorities, such as the Court of Arbitration for Sport. This system is similar to the process used for criminal investigations by law enforcement.

B. According to the Supervisor

1. The Department's staff numbers continued to grow this past year. It now has 15 team members, compared to 12 last year. Ongoing efforts in human resources and recruitment are essential.
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 ADOs' own skills and promote the creation of effective, independent and honest structures. The aforementioned Erasmus+ project is an ideal opportunity and will require additional time and energy to be devoted to training. It will be important to ensure that no staff members are distracted from their primary function of investigating.
3. Based in Montreal, the CIS had a difficult start due to a combination of factors, including COVID and limited resources that could be devoted to effective integration. However, this should not call into question its purpose. Its objectives are well documented. The I&I Deputy Director, who now supervises the operational activities of the CIS, must ensure that the CIS team is properly integrated into the Department, especially since new team members will be hired. It will be important to ensure these people are clear on what is expected of them.
4. The Department faces several challenges. The mission is thankless—as is any work in the fight against crime—and COVID has not helped. It is imperative to keep the flame alive for these professionals with outstanding qualities and capabilities and think of



incentives. In such a specialized field, being able to count on long-term personnel is critical.

5. The organization and the Department have introduced new work methods to ensure a better overview of the activities of the Department and its staff. These include preliminary operational budgeting and monitoring the length of investigations and their phases. This more vertical way of working, which is already common among many criminal prosecution authorities, can make sense. However, we do not want it to be seen by team members as a desire for enhanced controlling, and it will be up to the Director to monitor this. We do not want to smother investigator initiative by binding them to a framework that is too rigid. That said, the Director's expertise, interpersonal skills and competence will help in this regard.
6. More than ever, it is important not to judge the Department's operations and, more specifically, those of the IU, on the basis of the number of files processed. The IU is handling six major operations. The team is accomplishing incredibly impressive and strong work. The reports are a testament to the scope and complexity of the investigations. Their quality cannot be measured based on the decisions handed down by disciplinary or criminal authorities.
7. In this regard, it could be relevant to see if it would be a good idea to have someone in the Department with training as a prosecutor or lawyer specialized in sports. This person would be able to identify the investigations that have the best chances of leading to a court conviction and, to this end, direct the team on the parts of the investigation on which to focus. This might help reduce the risk of investigators being frustrated and losing motivation.
8. Some investigations reveal not only doping infractions but also conduct constituting corruption in the broader sense. It is necessary to think about what to do with these files requiring follow-up, given that this is not within WADA's purview. Should a supranational body responsible for this issue be created? Who would do it?
9. The Supervisor does not know what legal bases led to the new data protection practices at WADA and the Department. Whatever the reason, it must be kept in mind that the five-year limitation for data from 'Speak Up!' reports—and 10 years for other data (based on what was reported)—limits the Department's scope of action.



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10. The Director still has expectations in terms of logistics, namely the need to create a separate, enclosed office for the CIU managers. These will need to be re-examined in light of the new workstation allocation policy for the WADA office in Montreal.
11. As is the case each year, the Department's team members must continue to undertake professional development to ensure they have the most current anti-doping knowledge, even during COVID.
12. The audit was conducted in an extremely positive atmosphere, despite the fact that distance was obviously an obstacle to certain aspects running smoothly, especially logistics. It was not possible to meet all of the Department's Montreal-based team members virtually, as priority was given to the Deputy Director and Senior Manager, CIU. 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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