

Anti-Doping Awareness in Sports

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Lecture -26

The Anti-Doping Investigation System

Good morning, ladies and gentlemen, and welcome to Week 6 of the course on Anti-Doping Awareness for Sports. Today in Lecture 1, we will be discussing the Anti-Doping Investigation System. I will be discussing this topic under the following outline. We will talk about the introduction. We will talk about something called ISTI. We will talk in detail about the anti-doping investigation system.

We will talk about intelligence gathering and analysis. We will talk about the outcomes of the investigation system. And we will conclude with a take-home message. WADA has devised intelligence and investigation guidelines with several case studies to assist the national anti-doping organizations.

This is done to better understand the types of non-analytical intelligence that may be available and to provide support and guidance to the signatories in their efforts to comply with the Code and the International Standards. All this is given in a document called the International Standard for Testing and Investigations 2023, which is the latest version. So what's the objective of this? Anti-doping organizations shall ensure they are able to obtain, assess, and process anti-doping intelligence from all available sources. This is done in order to help deter and detect doping, to inform the development of an effective, intelligent, and proportionate test distribution plan, to plan target testing, and to conduct investigations as required under Code Article 5.7.

The *International Standard for Testing and Investigations*, ISTI, is one of the eight mandatory international standards developed as part of the World Anti-Doping Program. It was first adopted in 2003 and came into effect in January 2004 as the international standard for testing. There have been six amendments after that. During the third amendment, which was effective from January 2015, it was renamed as the *International Standard for Testing and Investigations*. The latest version was revised in 2023. The role of the ISTI is to establish mandatory standards for test distribution planning, notification

of athletes, preparing for and conducting sample collection, security of the samples, post-test administration of the samples and the documentation involved, and transport of the samples to laboratories for analysis.

It is also there for the efficient and effective gathering, assessment, and use of anti-doping intelligence. It is also intended for the effective and efficient conduct of investigations into possible anti-doping rule violations. The anti-doping investigation system exists under Article 12 of the ISTI, and the objective is to establish standards for the efficient and effective conduct of investigations that anti-doping organizations must implement under the Code. The investigation's objectives are to establish standards for the effective and efficient conduct of investigations that the anti-doping organizations must implement under the Code, including but not limited to the investigation of atypical findings, atypical passport findings, and adverse passport findings. Atypical findings are generally reported by the laboratory.

Atypical passport findings are also reported by the laboratory, and adverse passport findings are also reported by the laboratory. However, the modules are different. The investigation of any other analytical or non-analytical information and/or intelligence where there is reasonable cause to suspect that an ADRV may have been committed. Basically, if you suspect that an ADRV has been committed, WADA authorizes the National Anti-Doping Organization to launch an investigation. This is the simplest explanation I can give.

Investigations of the circumstances surrounding and/or arising from an adverse analytical finding are meant to gain further intelligence on other persons or methods involved in doping. If the National Anti-Doping Organization suspects that, because of this adverse analytical finding, there may be more people or methods or agencies involved in this doping, they are authorized to launch an investigation. Where an ADRV by an athlete is established, the investigation into whether athlete support personnel or other support personnel may have been involved in that violation is also permitted. If the National Anti-Doping Organization suspects that, along with the athlete, other people or athlete support personnel are involved in this anti-doping rule violation, they are authorized to launch an investigation. The purpose of the investigation is to rule out possible violation or involvement in a violation by the athlete, the athlete support personnel, other people, or other agencies. They may want to develop evidence that supports the initiation of an ADRV proceeding in accordance with Code Article 8.

They may want to provide evidence of a breach of the Code or applicable International Standards. If the National Anti-Doping Organization suspects any of these, they are authorized to launch an investigation under the ISTI. If the National Anti-Doping Organization suspects a possible ADRV, they are authorized to investigate. Anti-doping

organizations must confidentially investigate any suspicion of ADRV as per the *International Standard for Results Management*. All relevant information should be promptly gathered to build reliable evidence ensuring a fair and impartial investigation.

Investigations should utilize available resources, including law enforcement, and consider all possible outcomes. This means that if the National Anti-Doping Organization suspects there is involvement of other agencies or other people in this ADRV, they may involve law enforcement agencies, such as the police and other law enforcement bodies, in this investigation. They may consider all possible outcomes, including the filing of criminal charges against the athlete and the athlete support personnel, if involvement is found. Athletes and athlete support personnel must cooperate with investigations because non-compliance may lead to disciplinary actions for tampering. As we all know, tampering is an ADRV under the WADA Code.

Investigation Outcomes: The anti-doping organization must efficiently decide whether to pursue proceedings against an athlete or other person for potential anti-doping rule violations.

If they decide that they will not act within the stipulated time frame, the World Anti-Doping Agency may appeal to the CAS as if a non-violation decision has been reached after consultation with the ADO. If the ADO decides that they don't want to proceed, WADA may overrule the decision and may appeal to CAS. Upon concluding that proceedings should be initiated, the ADO must notify relevant parties in accordance with the *International Standard for Results Management* and proceed as per Code Article 8. If the decision is made not to pursue, the anti-doping organization must inform WADA and the relevant federations in writing, including reasons for the decision, as outlined in Code Article 14.1.4.

The organization should evaluate any intelligence gathered during the investigation for potential use in future testing strategies or sharing with other entities as per Article 11.4.2. Basically, it means that if any intelligence is developed during this investigation, they may use it for future testing strategies or they may share it with other entities, and the provision is there in Article 11.4.2. So, all these investigations, all this data, where is it stored? It is stored in the ADAMS platform.

We had discussed the ADAMS platform earlier, wherein there are different test modules for athlete profiling, for test planning, for lab results, for whereabouts, for therapeutic use exemptions, and for the athlete biological passport. There is also a separate test module for results management. However, since we are dealing with investigations and intelligence, ADAMS has a separate test module for investigations and intelligence. All the data, all the evidence, all the intelligence which is developed during investigations of an ADRV is supposed to be stored in ADAMS under this module and under the athlete's

details and profile. This data, this intelligence, this evidence may be stored and may be used in the future by any anti-doping organization for investigation of any ADRV in relation to this ADRV, or it may be subject to different ADRVs.

This will allow the data and the intelligence to be kept, to be stored, and to be utilized in the future. And maybe there is a proper storehouse which is present for all this intelligence and data which has been developed and stored.

Take-Home Message: The anti-doping investigation system is a WADA-approved program. It comprises intelligence gathering, intelligence analysis, intelligence assessment, and investigation.

The investigation is done by a separate team which is under WADA. Each National Anti-Doping Organization also has a separate team for intelligence investigation and data analysis. The ADAMS also has a separate module for intelligence investigations and data analysis and also for data storage. All actions should be conducted with data and identity protection precautions. It is vital and imperative that data and identity should not be revealed to anybody else other than the investigating team during this investigation and also later.

For this reason, data is also stored with high data protection safeguards in place. Athletes and athlete support personnel are expected to cooperate with these actions. Data from this system may be used for prosecution and test planning. This data is generally stored almost for posterity, and it may be used later, it may be analyzed later, it may be used or it may pop up in connection with an ADRV several years later, and this will still be used for the prosecution and for filing of cases in future. It may come back to haunt the athlete or the athlete support personnel several years down the line.

So, they should be very careful. In rare cases, the National Anti-Doping Organization may decline to act. However, WADA has the power of veto in this case, and they may decide to act over and above the objections of the National Anti-Doping Organization. They may even file a case with the CAS to overrule the objections of the National Anti-Doping Organization. So, to sum up, there is a robust system of intelligence gathering, analysis, and investigation present within the anti-doping organizations and within WADA, which will investigate current anti-doping rule violations and past anti-doping rule violations.

These are the references, ladies and gentlemen, so I strongly urge you to go through them. It is imperative in case you wish to delve deeper into this subject. I thank you for your patience and your listening, ladies and gentlemen. Thank you for doing this course, and I hope it has been an informative course so far. There will be assignments which you

will have to complete during the stipulated period. So, do stick to the timelines which have been given.

Thank you for listening, ladies and gentlemen. Thank you, and Jai Hind.