



Anti-Doping Investigations: The First 48 Hours

An organization's swiftness in launching an inquiry regarding a violation of the World Anti-Doping Code (the "Code") increases the potential quality and quantity of the evidence that can be collected. Each passing hour provides ample opportunity for the target of the investigation to develop a cover story, a witness to forget crucial testimony and time for evidence to be misplaced or destroyed. An organization should apply a "48-hour" principle to anti-doping investigations—which requires the completion of the following tasks within the first 48 hours of receiving an allegation:

- Appoint or retain a person or law firm to conduct the anti-doping investigation.
- Review organizational constitutions, bylaws, statutes and policies, as well as applicable national law, to determine if immediate actions need to be considered regarding the target of the investigation.
- Determine whether the circumstances warrant the organization to report allegations to the World Anti-Doping Agency, law enforcement agencies or other organizations.
- Develop an investigation plan.
- Interview (if possible) the person making the allegation (if the allegation was initiated by a person).
- Secure or collect all available evidence pertinent to the allegation, including: documents; electronic information and data; videos; and other relevant evidence.
- Interview all key witnesses and the target of the investigation (if the subjects are scheduled to leave the jurisdiction or if it is necessary for other investigative reasons).
- Review the organization's investigation policy and procedure, which should:
 - Be in writing.
 - Be approved by the chief executive officer of the organization (after a review by legal counsel).
 - Identify the investigator (or describe how an investigator is selected or appointed).
 - List the duties and responsibilities of pertinent personnel during an investigation.
 - Require a timely review of all allegations.
 - Include a procedure to educate personnel about the policy.
 - Address how charges, complaints and allegations are processed by the organization.
 - Satisfy due and fair process requirements, national law and, if relevant, contractual provisions.
 - State how findings are reported to organizational leadership and external parties.

Buckner can assist you with conducting anti-doping investigations. Please contact Michael Buckner (mbuckner@bucknersportslaw.com) if you have any questions or need additional information.

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