

USADA-LED

# INVESTIGATION AND INTERVIEW PRINCIPLES

Effective January 1, 2024



U.S. Anti-Doping Agency

## USADA-Led Investigation and Interview Principles

- **Undertake vigorous investigation of potential rule violations.** *Code* Arts. 5.7, 7.2, 20.5.7; *ISTI* Art. 12.2; USADA Protocol Secs. 2, 4, 6; *ISRM* Annexes A and B.
- **Investigation takes place whenever there is a reasonable cause to suspect that an anti-doping rule violation may have been committed.** *Code* Art. 20.5.7; *ISTI* Art. 12.2.1; USADA Protocol Sec. 2.
- **The goal of each investigation is reliable evidence.** *Code* Art. 3.2; *ISTI* Arts. 11.3.1, 12.2.2.
- **Each investigation is conducted fairly, objectively, and impartially.** *ISTI* Art. 12.3.3. Integrity is an important principle in USADA investigations. For example, USADA is always truthful with witnesses and respondents and does not claim to have incriminating evidence that it does not have. USADA will never harass or intimidate witnesses or respondents in the course of its work with *Athletes*. USADA goes into each investigation with an open mind and simply follows the facts. It is only after it becomes apparent that an anti-doping rule violation has occurred that USADA starts to build a case. USADA's strict conflict of interest policy also applies to its investigations. USADA will not attempt to persuade other organizations to withhold rights or property from an *Athlete* unless such an action is permitted by the rules of that organization.
- **All Persons interviewed by USADA during the course of an investigation will be treated with dignity and respect.**
- **All reasonably available investigative resources may be used to conduct investigations.** *ISTI* Art. 12.2.3; USADA Protocol Sec. 2. The *Code* does not allow USADA to exercise "prosecutorial discretion" and decide to take no action in cases where the evidence indicates that an anti-doping rule violation has occurred. USADA can, however, prioritize the use of its resources. Our highest-priority investigations are those that: a) relate to *Athletes* or other *Persons* who would otherwise represent the United States at the Olympic Games, Paralympic Games, Pan American Games, Parapan American Games or World Championships; b) have the potential to involve doping by multiple *Athletes* through the involvement of *Athlete Support Personnel*; or c) potentially involve the Use of *Prohibited Substances* or *Prohibited Methods* that are more difficult to detect through the analysis of urine or blood *Samples*.
- **Athlete and Athlete Support Personnel Cooperation.** *Code* Article 21 requires all *Athletes* and *Athlete Support Personnel* to cooperate with USADA investigations into anti-doping rule violations. In particular, USADA has found that the cooperation of clean *Athletes* is crucial to maintaining a level playing field in their sport. *Code* Art. 21; *ISTI* Art 12.2.4; USADA Protocol Sec. 5(b)(iii).
- **Each investigation protects and upholds the established rights of Athletes, Athlete Support Personnel and other Persons set forth in the Code, USADA Protocol, ISTI and ISPPPI.** Prior to initiating an interview with a U.S. *Athlete* as to whom USADA has and/or expresses any specific suspicion committed an anti-doping rule violation, USADA will advise the *Athlete*: that USADA is investigating potential anti-doping rule violations, which is a serious matter; that USADA's Investigation Principles and Athlete Interview Responsibilities govern the interview and all interactions with USADA, providing URLs for both documents on USADA's website; and that the Team USA Athlete Ombuds is available as a resource if

the *Athlete* has questions. The applicability of these Principles to USADA investigations and the opportunity for *Athletes* to contact the Team USA Athlete Ombuds will be made clear in USADA's educational materials for *Athletes*. USADA may, in its discretion, provide the same advice where no specific suspicion exists.

- **Each investigation is conducted independently of outside operational control.** *Code* Art. 20.5.1.
- **Discussions regarding substantial assistance and sanctions with potential witnesses follow the requirements set forth in Article 10.7.1 of the *Code* and Articles 5.1.2.1, 5.3.2.1, 7.1 and 9.2.1 of the *ISRM*.**
- **USADA cooperates with and seeks the cooperation of government agencies as provided in the *Code*.** *Code* Arts. 20.5.3 and 22.2.
- **Each investigation will also follow all applicable state and federal laws.**
- **A USADA decision to assert an anti-doping rule violation based on non-analytical evidence is subject to the hearing and appeal process set out in the *Code* and USADA Protocol.** Any decision by USADA not to bring a case forward as a result of an investigation or to impose a sanction on an *Athlete* or other *Person* is always reviewable by both *WADA* and the relevant International Federation. *Code* Art. 13.2.3; USADA Protocol Sec. 15(c). If *WADA* believes that USADA has taken too long to render a decision in a particular investigation, *WADA* may elect to appeal directly to the *Court of Arbitration for Sport (CAS)* as if USADA had rendered a decision finding no anti-doping rule violation. *Code* Art. 13.3.
- **Anti-doping rule violation decisions arising out of USADA Olympic Movement investigations are also ultimately subject to review on the merits through established legal processes including an independent arbitration process and a *CAS* appeal process.** *Code* Arts. 8, 13; USADA Protocol Sec. 17.
- **Any claim that USADA has failed to follow these Principles shall be addressed as a contract issue between USADA and the USOPC and shall not be admissible or used as a defense in any anti-doping rule violation proceedings.**