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Detecting Doping in Sport

Stephen Moston and Terry Engelberg



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The book explores the changing landscape of anti-doping investigations, which now largely centre on the collection of intelligence about doping through processes such as surveillance, interviews with witnesses and interrogation of athletes. It examines why and how investigative processes, hitherto typically reserved for serious crimes, have been co-opted by anti-doping agencies into a situation where their potential for harm has received little or no critical consideration. This book highlights the opportunities and threats inherent in adopting new investigative processes. It is expected that many of the same problems that have engulfed forensic investigations over the last two decades, such as miscarriages of justice, are likely to surface in future anti-doping investigations. Drawing on empirical research and theory from a range of disciplines, including forensic psychology, criminology, policing, law, sports management and policy studies, this book fills a scholarly vacuum on the investigation of doping through non-biological detection methods.

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Preface

In 2014 we conducted a survey of the academic literature in the social sciences (2000–2014) on doping in sport. In total, we identified 529 publications (journal articles, book chapters, books) and identified some very clear patterns in the data. Overall, there were lots of publications about why doping is banned (and even more on why it shouldn't be) and lots on what athletes (and others) think about doping, although few authors seemed to think that anything athletes *said* about doping could be trusted.

Constructive solutions were notable by their absence. There were only a few papers on prevention issues, which, on the one hand, was surprising as the World Anti-Doping Agency (WADA) has long maintained that education is the best solution to doping. But on the other hand, probably not so surprising given the almost insurmountable conceptual and methodological problems in determining whether any anti-doping educational intervention could be said to have truly *worked*.

There were even fewer studies on deterrence, which was also surprising as the threat of sanctions (a deterrence strategy) is the cornerstone of anti-doping policy.

However, what surprised us the most was the lack of research on the *detection of doping*. Coming from a background in forensic interviewing, specifically the questioning of suspects by police officers, we couldn't understand why anti-doping authorities seemed to think that doping could best be detected through biological testing. This would be similar to the police detecting criminals based on a strategy of only collecting fingerprint evidence (suspects would quickly learn that the simple expedient of wearing gloves would render them virtually uncatchable).

We knew that most police investigations centre on talking to people, both witnesses and suspects. Scientific evidence, like DNA matching, is important and sometimes crucial to a case, but by and large most cases are solved by the simple expedient of talking to people.

Talking to people (or as the police would put it, investigative interviewing), doesn't sound very exciting though. It certainly isn't as exciting as the search for a new biological test for doping substances, one which after years of development and refinement will in all probability be out of date before it is used

operationally. You see, the problem is that *the cheats are always ahead of the testers*. Everyone working in anti-doping knows that particular expression, and few if any would disagree with its implication: the detection of doping through a primary strategy of biological analysis is fatally flawed.

Always has been and always will be.

Now we've got that particular inconvenient truth out in the open we can consider other possibilities.

The current book

This is a book about the detection of doping in sport. A recurring theme in this book is that the detection of doping has hitherto been conducted in ways that effectively ensure that doping will *not* be detected. This failure reflects a combination of both accidental and deliberate factors, leading to one inescapable conclusion: in most countries and in most sports, efforts to detect doping are more concerned with the need to *appear* to be doing something, rather than to be doing something that works. This particular idea is not new, and has even been voiced by many of those charged with leading anti-doping bodies.

It would be fair to say that the inability to detect and deter doping has prompted a world-weariness among many leading scholars, such that their preferred solution is to abandon anti-doping altogether. However, while such sentiments might be roundly endorsed at conferences or in academic publications, they are essentially just background noise. Athletes, sporting bodies, sponsors and the public do not want athletes to be doping. It may be worth noting that few of those stakeholders could probably articulate what it is that they object to, and many would offer somewhat contradictory and even incoherent reasons for opposing doping, but the core opposition to doping by athletes is entrenched and shows no sign of changing.

And so assuming that we do actually want to oppose doping (you can stop reading now if you dislike that idea), this book sets out some limitations of the current system and offers suggestions about how anti-doping might really get serious. Many of the solutions offered here are either relatively new, or have flown under the radar of contemporary debate. Some of the other solutions are 'hiding in plain sight'. Case in point: nearly all the world's major anti-doping cases have been uncovered through investigations run by police officers or other professional investigators!

Anti-doping, in the form of testing biological samples, is typically only capable of identifying accidental users, or those lacking the (limited) wits to outsmart the testing system. However, provided a few athletes are intermittently identified as doping, the current investigative framework is held to be successful.

Meanwhile, the real cheats remain, as ever, ahead of the testers.

A note on sources

In all of the cases reported in this book we have tried to rely on official records, such as court transcripts and official press releases. Where media sources are used we have tried to use reputable sources (e.g. *BBC News*, *Guardian* newspaper). We acknowledge that media accounts are a potentially unreliable source. Consequently, we have tried to avoid drawing conclusions from such accounts and have adopted a forensic detachment to the accuracy of such material. Full links to all media sources are provided.

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Abbreviations

AAF	Adverse Analytical Findings
ACC	Australian Crime Commission
ADRV	Anti-doping rule violation
ASADA	Australian Sports Anti-Doping Authority
ATF	Atypical Findings
CIRC	Cycling Independent Reform Commission
IAAF	International Association of Athletics Federations
IOC	International Olympic Committee
NADO	National anti-doping organisation
PED	Performance enhancing drugs
PIED	Performance and image enhancing drugs
TUE	Therapeutic use exemption
UCI	Union Cycliste Internationale
UKAD	UK Anti-Doping
USADA	US Anti-Doping Agency
WADA	World Anti-Doping Agency