



HANDBOOK ON CONDUCTING FACT-FINDING INQUIRIES INTO BREACHES OF SPORTS INTEGRITY

INTERPOL IOC INTEGRITY IN SPORT INITIATIVE





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1

The Context of Fact-Finding Inquiries

1 Introduction

The integrity of sports competitions is dependent upon sports bodies and law enforcement being prepared to act and effectively manage allegations of competition manipulation.

A key element of the initiative between the International Olympic Committee (IOC) and International Criminal Police Organisation (INTERPOL) is the training of individuals at National Olympic Committees (NOCs) and international and national sports federations and organisations to conduct fact-finding inquiries into breaches of integrity, in particular, those related to competition manipulation and to present the outcome of such inquiries to initiate disciplinary proceedings and, where appropriate, criminal proceedings. These individuals may be referred to by their federations as Single Points of Contact (“SPOC”), Integrity Officers or fact-finders. For the purposes of this Handbook, such individuals are referred to as fact-finders.

Fact-finding is a dynamic and fluid process. This Handbook aims to provide a solid process for conducting a fact-finding inquiry. Using the Handbook and the recommended steps will help to make a complex, challenging inquiry more manageable, transparent and accountable. This Handbook should be read in conjunction with the IOC-INTERPOL, *Handbook on Protecting Sport from Competition Manipulation, 2016*.

2 The Role of the Fact-Finder

Fact-finders are individuals at sports organisations who should be tasked with the following roles:

- Conducting fact-finding inquiries into suspicions or allegations of competition manipulation;
- Establishing the facts of the allegation or suspicion;
- Reporting the findings to a disciplinary panel.

The regulations of the federation should enable and empower the fact-finder, potentially in collaboration with an Integrity Task Force, to initiate and conduct fact-finding inquiries into allegations of competition manipulation or other infringements. Fact-finders need to understand the powers and responsibilities given to them by the relevant sports governing bodies. It is good practice, indeed essential, to get to know the person(s) responsible at the sports organisations for enforcing the regulations including those who sit on disciplinary panels to ensure that efficient, well-conducted fact-finding inquiries can contribute to the prevention and detection of competition manipulation.

Professionally conducted inquiries will also protect sports organisations from a damaged reputation, appeals and possible litigation. The importance of getting the procedures and processes right is highlighted by the fact that the decisions of disciplinary panels related to competition manipulation may be challenged before the Court of Arbitration for Sport (CAS).

Fact-finders need to be aware of their responsibilities, which include:

- Collecting, evaluating and managing information from a range of sources including Betting monitoring reports, the media and reporting mechanisms (such as hotlines);
- Implementing an Inquiry Plan (see below);
- Identifying the specific codes or regulations that are alleged to have been breached;
- Recognising the jurisdiction(s) in which the alleged breach has occurred;
- Working in partnership and cooperating with relevant stakeholders both within and outside sport;
- Planning and conducting interviews with individuals who may have information to offer the inquiry including potential violators and witnesses to obtain statements and corroboration;

- Seizing and retaining exhibits relevant to the investigation;
- Proceeding with the inquiry in a timely manner based on identified resources and case prioritisation;
- Managing the Case File including findings, evidence, documents, exhibits and reports;
- Maintaining confidentiality, anonymity and impartiality throughout the inquiry;
- Presenting a structured report for the information of a disciplinary panel.

3 Objectives of a Fact-Finding Inquiry

The aim of a fact-finding inquiry is to investigate reports of suspicions of breaches of established rules and regulations, to establish facts in relation to these suspicions and to prepare a report for a disciplinary panel.

When suspicions of competition manipulation arise, two types of investigators might become involved: those from law enforcement who may foresee the matter resulting in judicial proceedings, and fact-finders from sports organisations who may foresee disciplinary proceedings as a potential outcome. Both investigators may work in parallel under different jurisdictions of criminal or disciplinary cases while looking at specific points to prove, collecting information and evidence, analysing it, recording it and ultimately presenting it to the relevant decision-makers. The transnational nature of both sport and competition manipulation may necessitate the sharing of information within sport at national and international levels where the suspected manipulation involves sports persons from different jurisdictions and may also necessitate sharing information with law enforcement. Understanding of certain distinctions between a criminal investigation and a sports fact-finding inquiry will assist in defining parameters for cooperation.¹

¹ See the Diagram: 'Distinctions between Sports Disciplinary Proceedings and Criminal Proceedings' in IOC-INTERPOL, 2016, *Handbook on Protecting Sport from Competition Manipulation*. Available at: www.olympic.org/handbook-on-protecting-sport-from-competition-manipulation

While the focus of a fact-finding inquiry will be the breach of sports regulations, consideration should always be given to the big picture, including how an inquiry can contribute to or impact on identifying and dismantling the organised crime groups who are often behind any individual case of competition manipulation. This will involve thinking how best to allocate resources to different aspects of the inquiry or investigation and who the potential partners are, nationally and internationally, with whom a collaborative approach should be adopted.

Information is the life-blood of any investigation. The best way of gathering and sharing information is to gain the cooperation of people, in the interests of sport. Fact-finders should be proactive in establishing specific single points of contacts (SPOC) within sport and law enforcement from whom they can seek information when conducting an inquiry. In addition, in order to demonstrate that an inquiry was conducted fairly, it is important to actively provide the opportunity for individuals concerned to provide their version of events and give them a chance to comment on any facts that might be detrimental or adverse to them.

4 Principles of Fact-Finding Inquiries

Just as there are some key principles that support the application of the law in every country, there are some key principles that apply to fact-finding inquiries.

4.1 Purpose of a Fact-Finding Inquiry

The purpose of a fact-finding inquiry is to collect the available information and evidence in relation to an allegation, report or suspicion of competition manipulation and submit such facts to a disciplinary hearing so that it can be determined whether rules have been broken. The purpose of the inquiry is not to try to establish innocence or guilt, this is a function of the disciplinary committee/panel.

A clear message needs to be sent out that wherever and whenever competition manipulation comes to light, it will be investigated and those involved will be penalised. Parallel to a fact-finding inquiry, there may also be a criminal investigation relating to suspected breaches of criminal legislation in one or more police or judicial jurisdictions. Caution needs to be exercised to avoid harming parallel investigations. Of particular risk is the disclosure of information or when suspicions are raised when asking or interviewing people. Fact-Finding inquiries, when conducted in an effective and timely way, should bring offenders to justice, should enable evidence gathered in a fact-finding inquiry to be used in a criminal investigation and may enable the outcome of the work of police investigators to be used for disciplinary proceedings. This will have a deterrent effect on those who might otherwise contemplate participating in competition manipulation activities.

4.2 Unbiased and Impartial Fact-Finding Inquiry

When the rights, reputation or legitimate expectations of an individual are affected by an inquiry, the basic principles of fairness, objectivity and impartiality should apply. These dictate that:

- An opportunity is provided to the individual affected by any potential decision to be heard and to be provided with details of the allegation(s), details of any supporting evidence and the regulatory breaches under investigation;
- The inquiry is conducted in an impartial and unbiased manner.
This means that the fact-finder:
 - Remains neutral and open-minded and does not prejudge the outcome or an individual's role in the allegations;
 - Avoids conjecture and being influenced by personal beliefs;
- Even if the individual(s) is/are known to the fact-finder or if the latter has suspicions, it is important not to show them;
- The fact-finder should not have any stake in the outcome of the inquiry;
- Recommendations and conclusions should be based on logical, relevant evidence, the gathering of which is guided by the relevant regulations.

1 The Context of Fact-Finding Inquiries

All available, related information should be collected and reported in an impartial, unbiased manner so that the facts of a case can be established. If the inquiry is conducted in this way and fair treatment is afforded to all concerned, the fact-finder's actions will be seen to have been in good faith and no adverse finding can be made against him/her.

5 Regulatory Basis

All action undertaken during a fact-finding inquiry and any ensuing disciplinary process should be empowered by the regulations of the relevant sports federation and/or the sports event. With the aim of providing sports organisations around the world with harmonised regulations to protect all competitions from the risk of manipulation, the IOC issued the Olympic Movement Code on the Prevention of the Manipulation of Competitions in December 2015.² Any sports organisation bound by the Olympic Charter must respect the Code including the IOC, all International Federations (IFs), National Olympic Committees (NOCs) and their respective members at the Continental, Regional and National level and IOC recognised organisations.

5.1 Empowerment

As a basis of a fact-finding inquiry, all sports federations should have in place regulations that are compliant with the Olympic Movement Code on the Prevention of the Manipulation of Competitions and that enable and empower fact-finding activities and which authorise the fact-finder to conduct the inquiry him/herself or with a task force established for that purpose.

A certain autonomy should be granted to fact-finders in order to facilitate prompt action or reaction in cases of suspicions. This may entail, for example, the decision by a fact-finder to attend a competition following a betting monitoring alert showing suspicious betting prior to the competition.

Prior to commencing an inquiry, it is essential that the fact-finder is very clear about the powers that are held and the powers that are not held and the potential breaches that are suspected of having been infringed. Some regulations may provide specific powers to the fact-finder to take certain actions (to demand telephone or financial records, for example). In practice, this means that the fact-finder may not have the authority to inquire into, or demand information that is outside the powers set out in these regulations. Whilst the powers held by the fact-finder may be limited, it should still be possible to conduct a successful inquiry. The best way of gathering information, regardless of official powers, is to gain the cooperation of relevant people in the interest of sport.

The fact-finder prepares a written report, which contains all relevant information about the findings. It is recommended that this report is sent to the independent judicial body of the national or international federation or the event's organising committee for recommended disciplinary action. Where necessary, the fact-finder should be encouraged to liaise with relevant external law enforcement authorities.

² For the full text of the Code: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/olympic_movement_code_on_the_prevention_of_the_manipulation_of_competitions-2015-en.pdf

For an Explanatory Note regarding the Code: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/explanatory_note_on_code_on_the_prevention_of_the_manipulation_of_competitions_-_eng.pdf

For Model Rules to assist in the implementation of the Code: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/model_rules_on_code_on_the_prevention_of_the_manipulation_of_competitions.pdf

5.2 Breach of Specific Regulations

One of the first steps in any inquiry is to identify the specific regulation / code(s) suspected of having been breached and then the inquiry can go on to gather information and evidence to establish the facts. There will be many facts associated to any given allegation or suspicion, some will be background facts and some will be key facts. Background facts are facts that are not essential to proving the case but may help to provide context such as that the suspect was in financial difficulty, that the suspect was approached by a close friend etc. Key facts are essential to proving the breach: the outcome of the inquiry depends on these facts having been established. For example, in a suspected breach of an obligation to report, the following would be key facts:

- That the approach in connection with activities aimed at influencing the course or result of a match or competition took place – and the who, what, when, where and how;
- That the suspect was aware of the approach;
- That the suspect was aware of his/her obligation to report;
- That the suspect failed to report the approach.

5.3 Information security, confidentiality and protection of sources

Where information related to a fact-finding inquiry is made public or sources of information are exposed, there is a significant risk to the reputation of those under inquiry and the sport itself, and a potential risk to the welfare and safety of sources. Consequently, the security of information storage and the level of protection available for sources should be considered prior to a fact-finding inquiry.

5.4 Access to Inquiry Information

The people who have access to fact-finding inquiry information should be strictly limited, i.e. on a need-to-know basis. Everyone who does have access should be aware of the potential consequences of leaking information prior to the completion of the inquiry and any ensuing disciplinary process. A record should be kept of all of those who have access to inquiry-related information.

5.5 Securing Information

All information relating to a fact-finding inquiry should be securely stored. Hard copies of evidence (papers, files, exhibits, equipment, etc.) should be stored in a fixed, locked container. Soft copies of evidence (e-mails, computer files, video footage, etc.) should be password-protected. All information should be backed up on secure, password-protected media and stored as hard evidence in a separate location to the source of the files.

5.6 Confidentiality, Anonymity of Sources

Any individual who provides relevant information to aid an inquiry or a criminal investigation is usually referred to as a source. In the context of a fact-finding inquiry, there are two types of sources: those who are free to provide this information or not as they see fit, and those who are bound by the sport's regulations that stipulate that they must report and/or cooperate with the inquiry.³

An individual who conveys information related to a person or organisation who they believe may be engaging in conduct that is unethical or potentially against the regulations may be referred to as a 'whistleblower'. There are two important considerations relating to sources: confidentiality and anonymity.

³ See, e.g. articles 2.5 and 2.6 of the Olympic Movement Code on the Prevention of the Manipulation of Competitions. Available at: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/olympic_movement_code_on_the_prevention_of_the_manipulation_of_competitions-2015-en.pdf

5.6.1 Anonymity

An anonymous source is someone who provides information but refuses to reveal their identity. A fact-finding inquiry may be initiated as a result of an anonymous report: however, information may also be provided by anonymous sources throughout the inquiry.

Hotlines or “confidential lines” are often used by sports organisations to enable individuals to make anonymous reports of competition manipulation and other corrupt sporting activity. Information of this nature must always be handled sensitively to respect the promise of confidentiality normally associated with it. Information received from anonymous sources should be corroborated before action is initiated. If there is no means of independently corroborating the information provided from the source, the matter may not be considered actionable although there will need to be an “exception” clause for information that is assessed to be “life-threatening” or involving “serious crime” – hence the need for a risk assessment on each occasion.

Regardless of whether an anonymous or open reporting mechanism was used, the person making the report is likely to feel vulnerable and will want to know what measures are in place to protect them. Caution should be exercised about making promises of confidentiality or anonymity that may not be possible to keep, as once an inquiry begins and information is being gathered, disseminated and recorded, it is very difficult to control when and how it gets disclosed. In addition, if the issue under inquiry results in a criminal investigation, it may not be possible to protect the identity or maintain confidentiality.

5.6.2 Confidentiality

Confidentiality is not automatically guaranteed. Some sources will seek assurances that their identity is not disclosed before they supply relevant information. Thought should be given as to how your organisation will manage this issue of confidentiality, or how to support the person making the report if they have used an open reporting mechanism or their identity is likely to become known (from any ensuing disciplinary or criminal investigation). It will be necessary to ensure that the proposed arrangements are consistent with relevant codes of ethics, conduct and/or discipline, and national legislation. As the fact-finder, you should be familiar with this policy so that you can give accurate information to witnesses or potential sources. You can only offer what you are enabled by your federation to offer, you need to equip yourself with this information before you make an approach to a potential source. If this issue arises during an interview and you are not prepared to deal with it confidentially, it may affect the level and accuracy of the information you will get.

Fact-finders should ensure that everything coming to their notice during the course of the inquiry remains confidential and is only disclosed to the bodies/individuals authorised to receive it.

5.7 Protection of Sources

Protection of sources is paramount in a fact-finding inquiry, not least because of the relationship between competition manipulation and organised crime. No inquiry should go ahead without a risk assessment taking place (see Chapter 2, Point 5).

A fact-finding inquiry may uncover information, or a perspective on an event, from an individual who is not prepared to disclose this information openly. If confidentiality has been assured, then the fact-finder has an obligation to take steps to maintain this confidentiality. In some circumstances, the identity of persons providing information could become obvious by the nature of the information that is disclosed – for example, if only one or two persons are aware of a particular piece of information. When recording or reporting information where confidentiality is an issue, consideration should be given to removing details such as times or places which might help to identify the source but are not relevant to the report. If a single report contains a range of information which, taken together, could identify the source, consideration should be given to dividing this information across a number of documents and evaluating each piece separately.

Information provided on a confidential basis can be used to open up other lines of inquiry or to verify information coming from other sources. It can also be factored into the fact-finding report provided that it does not identify the source.

You may be legally required to provide reasons for a decision that you make that involves the revelation of sensitive information.

In all circumstances, it is important not to mislead potential providers of information by making promises of anonymity or confidentiality that you are not authorised to make. A key element of maintaining confidentiality is ensuring that all documents, recordings and exhibits relating to the inquiry are kept in a physically secure environment. When these types of documents are supporting the report to the disciplinary panel, consideration should be given as to how they are submitted to the hearing, for example via the use of sealed envelopes or hand delivery to a specific individual.

2

Conducting Fact-Finding Inquiries

1 The Inquiry Process

A fact-finding inquiry is a dynamic process rather than a fixed, step-by-step process. For this reason, it is essential to keep a written record (a diary, electronic or manual) of all issues arising throughout the inquiry process. This document should show the issue arising, the decision made as to the subsequent course of action and why it was made. In other words, why a particular course of action was taken, or not taken. This provides a contemporaneous record of what has occurred and is valuable to the fact-finder as the inquiry proceeds and to any future disciplinary process.

The circumstances around the initial trigger of the inquiry and the evaluation of every piece of information that is gathered can change the course of the inquiry process, the order of facts to be established, actions to be taken in order to manage risk or persons to be notified. Issues to be considered include:

- Risk to the safety of someone involved in the case;
- Becoming aware of criminal behaviour;
- A significant risk to the integrity of an important upcoming match/competition;

2 Conducting Fact-Finding Inquiries

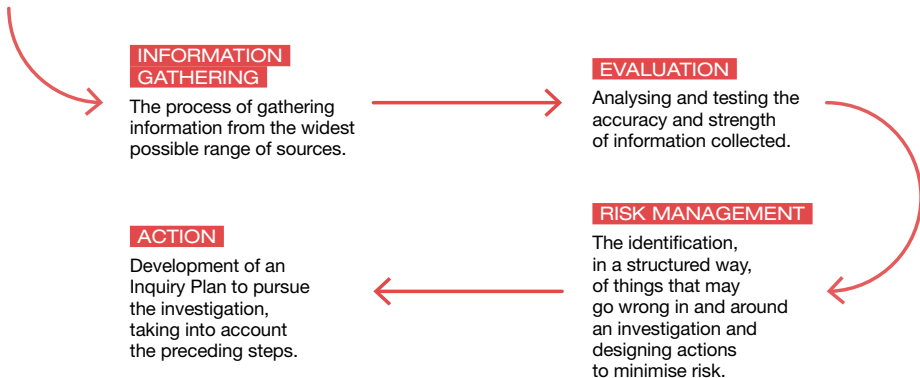
- The case becomes bigger than initially expected and transcends borders;
- The media becoming aware of, and reporting or threatening to report, details of the case.

Whilst this list is not exhaustive, it demonstrates the necessity to follow a logical sequence for the fact-finding process, whilst consistently managing risk, notifying the appropriate people and being prepared to manage the media. The graphic below demonstrates the circuitous process involved in a fact-finding inquiry.

Process Involved to Trigger a Fact-Finding Inquiry

INITIAL TRIGGER

The first piece of information received.



Following receipt of the initial information relating to competition manipulation and in order to trigger the launch of an inquiry, a number of preliminary steps should be followed by the organisation in collaboration with the organisation's leadership, designated SPOC and fact-finder. These include:⁴

- a. Seeking further information;
- b. Corroborating the source of information;
- c. Conducting open-source inquiries;
- d. Analysing the betting monitoring report, if one exists;
- e. Deciding if further action is required.

If the decision is taken by the organisation that no further action is required at this time, the information should be retained until such a time as it is possible to corroborate it or until new information comes to light that may make it meaningful or relevant. If the decision is to launch a fact-finding inquiry, this should follow a structured, systematic process.

⁴ In some organisations, the SPOC and designated fact-finder may be the same individual.

2 Inquiry Plan

As demonstrated by the diagram above, ‘Process Involved to Trigger a Fact-Finding Inquiry’, an inquiry will follow a stepwise process to be taken by the fact-finder to help determine if a full fact-finding inquiry is necessary:

- Upon receipt of the initial trigger information, seek further information from the source and elsewhere to ensure that the initial information is as complete and accurate as possible;
- Seek to corroborate the trigger information using open inquiries;
- Analyse a betting monitoring report, where one exists, as this may also help to strengthen the trigger information;
- If these steps determine that it is necessary to launch a fact-finding inquiry, it is recommended that the fact-finder conduct an initial meeting with the independent judicial body of the federation to facilitate case coordination and to request that they open a formal case into the matter.

Once it is determined that a fact-finding inquiry is necessary, a systematic process should be followed (see next page ‘Process Involved in a Fact-Finding Inquiry’). A Fact-Finding Inquiry Plan has been provided as an aid to ensuring that the inquiry follows a logical sequence, that information is handled appropriately and that the appropriate people are notified as necessary. In the same way that the inquiry itself is not a step-by-step process, the sections of the plan should be completed as they occur rather than in a sequential way.

Process Involved in a Fact-Finding Inquiry



Conducting a fact-finding inquiry can be complex and challenging. Experience shows that there are a number of recurring challenges common to all inquiries, including the following:

- Identifying sources of information;
- Encouraging individuals who are not compelled to cooperate;
- Identifying ways of corroborating information;
- Ensuring that inquiries do not lead to inappropriate disclosure of information;
- Evaluating carefully if interviewing the suspect can damage ongoing criminal investigations or may put the suspect or a witness in danger due to the possible involvement of criminals;
- Completing inquiries under a time constraint;
- Prioritising actions;
- Establishing points of contact with other stakeholders;
- Information sharing with other stakeholders;
- Keeping an open mind;
- Maintaining confidentiality;
- Evaluating information from an anonymous source.

These challenges are not insurmountable – the systematic processes provided for in this Handbook and the use of the Inquiry Plan will help to address these complexities and challenges.

3 Reports and Inquiry Triggers

An initial report of possible misconduct or an allegation of competition manipulation is trigger information that may lead to an inquiry. The receipt of trigger information usually comes from hotlines, direct reports to investigative personnel or general complaints sent by post, e-mail, hotlines or other means of communication. There are many different types of triggers that can initiate the inquiry process. Potential indications of breaches of the sports regulations may include:

- Betting monitoring reports;
- Information from bookmakers;
- Sudden acquisition of wealth or goods;
- Significant unexplained changes in circumstances or behaviour;
- Report from the IOC Integrity and Compliance Hotline or referral from national or international sports reporting mechanisms;
- Media;
- Criminal investigation;
- Suspicious game action (either from players or referees or other officials);
- Information report.

The initial trigger information does not have to be in a specific form and may be either in writing or verbal. Generally, the initial information should have sufficient detail to determine whether the action reported might be considered misconduct if ultimately established. In addition, specific factual details are desirable. These include dates, places, names of those implicated and possible witnesses.

Where the information is provided verbally, for example through a telephone hotline, the exact date, time and circumstances should be recorded in writing by the person receiving the information with a detailed written statement. Contact information should be requested from the source and included for the record. If the information is relayed from an original source through a third party who then reports it, the identity of the original source should

be requested with an explanation of confidentiality principles if necessary (see Chapter 1, Point 5.6). If the original source cannot be identified, the report should be treated as if it had originated from an anonymous source, thereby needing further corroboration.

4 Information Sharing and Notifications

4.1 Managing the Expectations of the Source

Reports or information relating to a suspicion of competition manipulation from an unsolicited source are crucial to regulatory enforcement and need to be encouraged. A procedure should be established for providing acknowledgement to the source within a reasonable time frame. When trigger information is received from a source who is not anonymous, it is good practice to follow up with the source by acknowledging receipt and expressing gratitude. Fact-finders should be mindful that if an inquiry is triggered as a result of this information, these individuals will become witnesses in the inquiry and they are a potential source of further information. In addition, the person making the report is likely to feel vulnerable and may be anxious to know what will happen as a result of their report. Ideally, the source should be seen by the fact-finder at an early stage if this is possible – to confirm the information provided, to clarify it and seek corroboration and seize any other relevant evidence.

If the information has been received via email, a timely, carefully worded e-mail will help to ensure their further cooperation and allay any anxieties. This is also an opportunity to seek further information. A sample e-mail is contained in Appendix 2.

Fact-finders should be mindful that this process is not about informing the source of the outcome or relevance of their report: this kind of information should not be disclosed and sources should be made aware that it will not be possible to keep them informed of the progress of the inquiry. Most individuals who are making a report for genuine reasons will accept this when it is explained in a polite, professional way.

4.2 Sharing Information

It is important that once a report has been received, there is an agreed procedure in place regarding with whom and at what point to share this information. Care should be taken to ensure that the source of the information is properly protected and that information is shared with a clear understanding by all parties of what will be done with it. Any country or international organisation with whom information is shared should not act on that information without informing and obtaining the agreement from the source of origin of the report.

There are a number of stakeholders, both within sport and external to it, who have an interest and responsibility when it comes to allegations about competition manipulation. Consideration needs to be given to protecting the anonymity of the person making the report, ensuring that there are procedures in place to safely handle information while effectively investigating the report, sharing information with relevant parties and adjudicating the results of the inquiry when sufficient evidence is identified.

At the national level, within the sports community, there is significant merit in reaching out to any of the key stakeholders in protecting the integrity of sport who may have relevant information to offer or who may be affected by the inquiry / allegation. Fact-finders should identify their appropriate counterparts with a view to sharing information within the risk management framework.

The great majority of competition manipulation allegations and subsequent inquiries are transnational in nature – they frequently extend beyond the national border of one country to another (and sometimes to many other countries around the globe). When conducting a fact-finding inquiry it is important to recognise this transnational dimension and to take into account the possible need to share and seek information with relevant regional and international organisations.

For the sports community, this may be the relevant national or international federation or other governing body. The same principles apply to law enforcement. Law enforcement bodies (police or anti-corruption agency) may be interested in the report or may even be

running a parallel investigation. Where information has a multi-jurisdictional relevance, it should be shared with the appropriate law enforcement agency in relevant countries using recognised, legal methods, such as INTERPOL via National Central Bureaus. The INTERPOL Central bureaus are special offices within the police organisation of each member state of INTERPOL. In most countries, you cannot directly approach the INTERPOL Central Bureau (NCB) but rather via the competent police station in your region. These NCBs then share relevant operational information with INTERPOL's General Secretariat which in turn can lawfully share them with other involved Member Countries (for example through the INTERPOL Match-Fixing Task Force).

4.3 Managing Information

It is recommended that, at a minimum, the following issues should be considered when managing information as part of a fact-finding inquiry:

- A report be given a unique reference number and recorded on a database or manual record, this is both for auditing purposes and to protect the original source;
- Steps are taken to identify and screen out information that is obviously vexatious and not worthy of further action;
- Initially analyse and assess the trigger information and seek corroboration;
- Identify who should be informed of the trigger information and of developments and further action as they evolve;
- What action will be taken with the information where there is insufficient evidence to progress the inquiry to the disciplinary body or at the conclusion of the proceedings.

4.4 Timeline of the Inquiry

In the interests of sport, the inquiry needs to be expedited. However, inquiries do take time in terms of risk management, information gathering, planning and interviewing individuals. As soon as a matter is received, the ageing process commences. This means that if the progress of the inquiry and specific actions anticipated by the inquiry work plan are not accounted for and completed in a timely manner the fairness of the process may, subsequently, be open to criticism or even litigation. To eliminate this potential risk, a review of the work plan or the execution of the work plan will be warranted on a regular basis.

Regular reviews of progress, including any obstacles to progress or significant developments in the inquiry should be undertaken by the fact-finder and the person to whom the fact-finder is reporting. This may be the chairman of the Disciplinary Committee/Panel or a senior person nominated by the sports organisation. At the very least, a progress review should be undertaken on a monthly basis and the facts of the review and the decisions made should be recorded in writing. In some inquiries, progress reviews may need to be on a much tighter timescale should there be substantial developments indicating that the scale and nature of the inquiry are escalating or changing substantially.

As the inquiry process is inherently unpredictable in terms of results and external factors, this will often impact the inquiry. A realistic time frame needs to be established based on the initial information and it may need to be adjusted as the inquiry progresses depending on its complexity. The known elements must be established in the Inquiry Plan with tentative actions/dates for evaluating progress. The reason for any change in the Inquiry Plan, or failure to satisfy planned requirements, must be documented for the record.

As inquiries are part of the system of fair practice and also a process that will serve to protect the sports organisation in case of an appeal, the review process for any disciplinary matter serves as one element of oversight for the quality and proper conduct of an inquiry. Not every inquiry report will result in a charge of misconduct, nor will every charge of misconduct result in sanctions or otherwise withstand appeal. As such, the administration of the process provides critical oversight by detecting procedural flaws in the inquiry process (see Appendix 1).

4.5 Media Strategy

Experience has shown that it is never an advantage to an inquiry/investigation to release information to the media prior to its conclusion. For this reason, a media strategy should be in place before an inquiry commences. This strategy should identify who will speak to the media in any given situation and identify the risks of disclosing information that may compromise the integrity of the inquiry or any criminal investigation that may ensue.⁵

During the fact-finding inquiry, risk assessments (see Chapter 2, Point 5) will highlight issues that may impact on, or have relevance to, the media strategy. It is important for the fact-finder to have a process in place for liaising with the person in charge of the media strategy as these issues arise. In addition, a standardised response should be developed for use in the event of the fact-finder being approached by the media while conducting the inquiry.

5 Risk Management

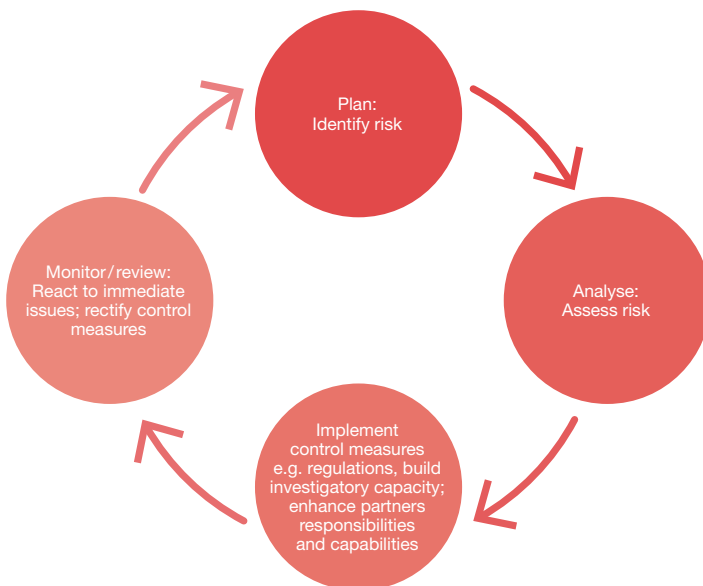
A fact-finding inquiry can pose a significant threat to the reputation of the individuals reporting the suspicions, the individuals suspected of wrongdoing, the reputation of the sports organisation and integrity of the sport both nationally and internationally.

Risk management is the process of identifying and analysing, in advance, things that may go wrong while conducting a fact-finding inquiry, and communicating these potential issues. It also involves a process of accepting, avoiding, transferring or controlling it at an appropriate level. Risk assessments should be reviewed continually when reporting and making recommendations. This will protect the sports organisation, the integrity of future competitions and individuals suspected of wrongdoing if it subsequently transpires that no wrongdoing was committed.

This Handbook aims to support sports fact-finders to assess and manage the risks associated with a fact-finding inquiry in terms of:

- Communication;
- Gathering, managing and storing, evaluating and disseminating information;
- Interviewing individuals;
- Reporting findings and making recommendations.

Risk Management Process



⁵ See Chapter 4, Point 3. Media Strategy of the IOC-INTERPOL, 2016, *Handbook on Protecting Sport from Competition Manipulation*. Available at: www.olympic.org/handbook-on-protecting-sport-from-competition-manipulation

5.1 Identifying and Assessing Risk

MANU – is a stepwise process designed to help identify, evaluate and manage risk during a fact-finding inquiry. Each potential action is categorised from minor risk (M) through to an action whose risk is unknown (U). This process ensures that the possible impact of each risk (any given action may have more than one risk attached) is quantified and action is taken to prevent or reduce it.

MANU Scale

M	Minor risk
A	Adequately controlled by existing measures
N	Not adequately controlled
U	Unknown risk

MANU assesses the size of the potential risk and the level at which it needs to be controlled. Consideration needs to be given to the context in which the suspicion is arising: the jurisdiction, the competition under suspicion, upcoming competitions and suspicious betting monitoring reports. Simultaneously, the media strategy should be activated.

It is important that the full range of relevant issues is examined in a rigorous way to evaluate the likelihood of them occurring, the impact they will have if they do occur and the scale of that impact. All issues that are known or should have been known need to be highlighted here. This is what, in the law enforcement context, is referred to as “notice”. If things go wrong as a result of a failure to identify risks and the organisation fails to take action where obvious action was required, this may be considered “deliberate indifference”. MANU will also help to explain to stakeholders the risks and controls that are/were/or need to be in place. These first steps will also aid decision-making in terms of identifying and prioritising action.

Having identified the risk(s) or the potential risk(s) relating to the fact-finding inquiry, the level of that risk and the time frame involved should be evaluated. This will help prioritise actions and allocate resources appropriately. There are two main things to consider: the size of potential risk and what is already controlled? It will involve categorising and analysing all available information and seeking new lines of inquiry. Remember, both you the fact-finder, and possibly a disciplinary committee, will take action based on the risk assessment.

The plan should include information regarding the MANU rating given to each threat identified. It should also include information regarding the action required, the action taken, when and by whom.

5.2 Control Measures

The Table below lists areas where the fact-finding inquiry may be exposed to risk. Each of these areas need to be examined and rated so that risk control measures can be identified and put in place.

Risks and Control Measures of Fact-Finding Inquiries (1/2)

Risk	Control Measures
Inadvertently disclosing confidential information	<ul style="list-style-type: none"> – Have an agreed policy on a limited number of people within the organisation who “need to know” and limit disclosure to those individuals only; – Hand delivery of sensitive documents to “need-to-knows”; – Security of files and e-mails; – Identification code on sensitive documents.
Disclosing the identity of the source of the confidential report	<ul style="list-style-type: none"> – Have an agreed policy on the limited number of people within the organisation who “need to know” and limit disclosure to those individuals only; – Hand delivery of sensitive documents to “need-to-knows”; – Security of files and e-mails; – Identification code on sensitive documents; – Contact them from a secure telephone line; – If meeting them in person, choose a neutral and private location.
Failing to act	<ul style="list-style-type: none"> – Always perform the first steps of an inquiry following receipt of trigger information.
Failing to supply internal notifications in a timely manner	<ul style="list-style-type: none"> – Establish a realistic timeline in agreeing signposts for reporting; – Complete the Inquiry Plan in a systematic way.
Failing to make external notifications in a timely manner	<ul style="list-style-type: none"> – Compile a list of external stakeholders who may be affected by the inquiry; – Establish a realistic timeline in agreeing signposts for reporting; – Complete the Inquiry Plan in a systematic way.

Risk	Control Measures
Engaging in inquiries that prematurely alert third parties to the fact that an inquiry is under way	<ul style="list-style-type: none"> – Follow the steps of the inquiry; – Do not proceed to action without conducting a risk assessment.
Jeopardising a parallel criminal investigation	<ul style="list-style-type: none"> – Establish a network within law enforcement and have Single Points of Contact (SPOCs); – Liaise with the SPOC from an early stage and regularly throughout the inquiry.
Acting on information that has not been evaluated for reliability in terms of source or content	<ul style="list-style-type: none"> – Always use the Information Evaluation Model (see Chapter 2, Point 6.5) to evaluate information and its source; – Seek a number of ways of corroborating information before taking action; – Seek other possible explanations for the information.
Misplacing supporting documents or evidence	<ul style="list-style-type: none"> – Create a dossier for each inquiry and/or suspect; – Store all documents relating to the inquiry in the dossier; – Always make a copy or scan of original documents and keep in a separate, secure location; – Catalogue and file original documents; – Always retain original document and attach or forward copies as necessary; – Keep the dossier in safe storage when not active; – Keep objects in safe storage sealed and labelled for identification purposes; – Keep a log of who confidential documents/objects were passed onto; – If documents/evidence are lost or damaged, include details of this in the report and explain the circumstances.

Risks and Control Measures of Fact-Finding Inquiries (2/2)

Risk	Control Measures
Failing to complete the inquiry and submit the report in a timely manner	<ul style="list-style-type: none"> – Always complete the first four steps of the inquiry; – Create a realistic time frame for submission; – Re-evaluate the time frame as the inquiry progresses; – Use the Inquiry Plan to log action and attempts; – If completion or submission is delayed because of difficulties in acquiring specific documents or talking to specific individuals, submit an interim report outlining information to date and details of what is awaited.
The integrity of upcoming games/competitions	<ul style="list-style-type: none"> – Report suspicion to the SPOC in the sports organisation; – Report any new information to the SPOC; – Seek information to corroborate suspicions; – Conduct inquiry efficiently; – Do not disclose information to individuals other than “need-to-knows”.

Risk and error are a reality of normal life and even more so for complex inquiries. Risk management processes enable the fact-finder to identify potential risks and put control mechanisms in place which will either reduce, mitigate or transfer the risk. For example, the information/source evaluation process will help to identify how reliable the information and/or the source is; the less reliable the information or source, the greater the potential for risk. The handling code helps to determine with whom the information is shared (see Chapter 2, Point 6.5). Reducing the number of individuals that sensitive information is shared with and tracking with whom it is shared also reduces potential risk. MANU then helps to identify the level of risk, any existing control measures and it prompts further action if there are no existing, adequate measures in place to control it. For example, it prompts the fact-finder to record the type of action required, by whom and when it will be done.

Using the Fact-Finding Inquiry Plan (see Appendix 1) systematically will ensure that the inquiry is not hijacked by an unforeseen adverse impact and it also provides a record of actions which will provide an insight to the rationale for actions to future or external arbiters should that prove necessary.

5.3 Monitor/Review

As the fact-finding inquiry proceeds, action relating to all aspects of the inquiry, including gathering, storing, disseminating and reporting information, should be constantly monitored and reviewed to assess and manage the risk to individuals, the integrity of the inquiry and the integrity of sport.

6 Information Gathering

When conducting a fact-finding inquiry, any kind of evidence, including documents (such as telephone billing, bank statements, texts and emails), media reports, match official reports, betting monitoring reports, video footage, and testimony from individuals recorded orally or in writing, may be gathered and produced. The only consideration should be that it is both relevant and reliable. It is also important to ensure that the gathering, sharing and storing of information does not violate human dignity or the principles of fairness, any national laws, or organisational protocols.

6.1 Sources of Information

There are two categories of information source: background and open, and of these, many and varied sources of information are available to fact-finders. A fact-finder should select sources of information that are useful, relevant and cost-effective in terms of money and time while also ensuring that risk is managed.

6.2 Background and Open Inquiries

Background inquiries are exactly that, they are inquiries carried out behind the scenes without alerting any interested parties that inquiries are being conducted. Their purpose is to strengthen or help substantiate existing information and to aid decision-making concerning further action or risk assessment. Useful publically available sources for background inquiries include:

- News and media reports (including social media);
- Websites;
- Unrestricted information from the organisation;
- Publicly available video footage;
- Betting monitoring reports;
- Previous reports/suspicious recorded in the organisation or in the possession of colleagues.

Evaluation of background information can be a problem because the information may be inaccurate or biased. However, it can open up avenues for collecting more specific information. When the information relating to the inquiry is not in the public domain, all inquiries should be background inquiries until any potential risk has been assessed and managed.

Open inquiries should only be conducted when background inquiries reveal that further action may be necessary and only following a risk assessment. These types of inquiries involve speaking to individuals who may be in possession of information relevant to the inquiry or seeking information through document/electronic searches. Once open inquiries begin, it is difficult to control the amount of information that is disclosed to a wider audience.

Sources of open inquiries include:

- Competition/match reports (commissioner/referee):
you should have access to these without raising attention;
- Interviews with individuals;
- Telephone records;
- Financial records;
- Records from other federations;
- Informants.

Conducting a risk assessment (Chapter 2, Point 5) on information and evaluating sources using the MANU scale will help to determine which category the information fits into. In order to ensure that all actions are followed up, that there is no duplication and that risks associated with each action are considered, a record of the inquiries should be kept in the Fact-Finding Inquiry Plan (see Appendix 1).

6.3 Betting Monitoring Reports

The IOC and some sports federations and organisations have arrangements with companies that provide betting monitoring services. These companies collect data from the betting market to identify irregular betting patterns (betting patterns that deviate from what the betting companies predicted for the specific sporting event).

All national federations of Olympic sports and some non-Olympic sports are affiliated, through their International Federation, with the IOC's Integrity Betting Intelligence System (IBIS). National Federations may subsequently receive betting alerts from their international sports federation.

Betting Monitoring Systems monitor sports betting – this includes both online and land-based betting operators who provide their odds through a recognised website for any given sporting fixture by using mathematical algorithms to compare the actual odds at the bookmakers with a theoretical computed value.⁶ Should there be an unexpected deviance between the calculated and the bookmaker odds, one can speak of an irregular betting pattern. This can then be a ‘trigger’ point for starting an inquiry as it may be an indication of a fixed match for betting purposes. Furthermore, Betting Monitoring Systems can have direct contacts to bookmakers and other informants to gather more information which can support or dissolve the initial suspicion in order to give the best possible picture of the worldwide betting market.

The monitoring companies generally grade the level of irregularity or suspicion as follows:

Alarm level 1	Highly suspicious
Alarm level 2	Suspicious
Alarm level 3	Small irregularities
Alarm level 4	Small irregularities

When analysing a betting monitoring report, it is useful to examine what might be going on or have occurred during the competition to explain the changes in betting activity and how this activity could have been anticipated and circulated to the betting fraternity. There are many innocuous reasons why betting patterns might be irregular, including:

- Professional gamblers recognising weaknesses in the odds and taking advantage of this;
- “Hedging” of bets by other operators (sometimes illegally);
- Deliberately spreading rumours in order to change the odds.

Conversely, an absence of a suspicious or irregular betting report does not eliminate the possibility of a fix. The illegal betting market is not monitored. In addition, match-fixers are aware of betting monitoring so they take steps to reduce the likelihood of alerts. These include:

- Betting on the illegal market, which is not monitored;
- Spreading rumours that cause ordinary punters to place bets, thus changing the betting patterns in a more uniform way;
- Using multiple false identities when placing bets;
- Using “runners” to place bets.

Depending on the jurisdiction within which you are undertaking your inquiry, it may be possible to get information about the person who has placed the suspicious bets. Background checks, with police assistance, may help determine:

- If any links can be established between the individuals and your sport which may subsequently mean a breach of your betting regulations;
- If the individual has any previous convictions through criminal background checks;
- If any other databases, including within law enforcement, IBIS, betting operators etc, has further useful information about the individual including his/her betting history.

⁶ Betting Monitoring Systems cover regulated and legal betting operators. Moreover, the systems also cover bookmakers which are regulated only in a specific country but not in another (e.g. a bookmaker is regulated in the UK but its website is also active in Switzerland despite a different online gambling regulation) – the so called ‘grey market’. What cannot be reliably covered are bookmakers who are unlicensed and offer their services in ‘back-streets’ or onx hardly accessible and encrypted online-platforms only (usually known as illegal or unlicensed betting).

6.4 Information Analysis/Evaluation

An inherent aspect of the fact-finding process is the ability to evaluate individual pieces of information or intelligence and combine the evaluations in order to determine the level of risk. Good practice dictates that information should be properly evaluated before it is acted upon. The information needs to be examined separately from the source. The relationship between the source and the information, how reliable the information is and how relevant or appropriate it is to the inquiry needs to be examined.

The purpose of evaluating information includes:

- Changing it from random information to something more structured;
- Ensuring a standardised approach to information in all reports;
- Removing bias – using quantifiable judgement rather than thoughts and feelings;
- Adding value to the information;
- Helping you to understand the information and communicating that understanding to others;
- Helping identify further action required;
- Giving you the confidence to defend your report if challenged;
- Ensuring that you consider who the information should be shared with.

6.5 IOC/INTERPOL Information Evaluation Model

The IOC and INTERPOL propose a 3 x 3 x 3 model for the evaluation and grading of information to assist with risk management. Information is graded according to:

- Source evaluation – how reliable is the source of the information/intelligence?
Graded as A, B or C;
- Information evaluation – how accurate is the information?
Graded as 1, 2 or 3;
- Handling code – Who can the information be shared with?
Graded as X, R or O.

Information Evaluation Model

Source Evaluation

- | | |
|----------|---|
| A | Reliable – where there is no doubt as to the authenticity, trustworthiness or competence of the source, or if the information is supplied by a source who has been reliable in the past. |
| B | Occasionally reliable – the source from whom information is evaluated has occasionally been reliable in the past. |
| C | Untested source – the reliability of the source cannot be assessed. |

Information Evaluation

- | | |
|----------|--|
| 1 | Information the accuracy of which is not in doubt with regards to either the investigator or the source. |
| 2 | Information not known personally to the investigator or source but corroborated by other information already received. |
| 3 | The information is uncorroborated and/or may be false or malicious. |

Handling Code

- | | |
|----------|--|
| X | Confidential – requires recording of information and dissemination only to specific nominated individuals: source must be protected. |
| R | Restricted – requires dissemination to those within the sports community for disciplinary and security matters across all levels. |
| O | Open – information can be shared and disseminated to any party in line with organisational procedures and, in particular, the media policy. |

7 Interviewing

7.1 Introduction to Interviewing

One of the key elements of any inquiry is interviewing people who may be able to provide information to assist the inquiry and/or who are suspected of breaches of disciplinary regulations. These people may either have direct first-hand knowledge of the events under examination or may be in a position to offer information that opens up certain lines of inquiry. In addition, in order to demonstrate that an inquiry was conducted fairly and to comply with the principle of fairness, it is important to actively provide the opportunity for individuals concerned to provide their version of events and give them a chance to comment on any facts that might be detrimental or adverse to them.

This section covers scheduling, planning and conducting an interview with two types of persons during a fact-finding inquiry:

- Interviews with a cooperative person;
- Interviews with an uncooperative person.

The primary goal of a fact-finder's investigative interview is to obtain accurate, complete and reliable information from interviewees in order to establish the facts about matters under inquiry. Information gleaned from interviewees may help to corroborate information already received or open up new lines of inquiry and determine the facts on which decisions are taken for further action.

The interviewing part of the inquiry usually starts with interviews of witnesses after a risk assessment has been conducted and it only moves to interviewing of suspects when as much information about the event as possible has been gathered.

A fact-finding interview is a conversation, albeit a conversation with a purpose. While it follows then that all the normal rules of conversation apply, there are extra dimensions to a fact-finder's interview that need to be managed simultaneously. A fact-finding interview

is not merely a question-and-answer session, and to treat it as such would be to squander the opportunity to develop lines of inquiry that, otherwise, would be lost to the inquiry. It is important that a written demand is made for information that is related to an alleged violation and/or requires the attendance of an individual for an interview, or a combination of the two.

Interviews with suspects should be at a time and place to be determined by the organisation, ideally to be conducted by two persons. The interviewee should be given reasonable notice, in writing, of the requirement to attend. The interview should be recorded and the interviewee entitled to have legal counsel or a ‘friend’ and an interpreter (approved by the fact-finder) present. Prior to conducting the interviews, it is wise to inform your police SPOC of your intention to conduct interviews.

7.2 Key Skills

A fact-finding interview is a very fluid and dynamic process that requires higher-order interpersonal skills. It also requires an investigative mind-set in order to elicit, retain and review the level of detail required.

A skilled interviewer needs to be able to:

- Plan interviews;
- Provide a continuous explanation regarding the process;
- Develop and maintain a rapport;
- Maintain a conversational style;
- Conduct appropriate/systematic questioning;
- Monitor and observe verbal and non-verbal behaviour;
- Demonstrate active listening;
- Have attention to detail.

7.3 Key Phases

A fact-finding interview has three key phases:

- Pre-interview;
- During the interview;
- Post-interview.

7.3.1 Pre-interview

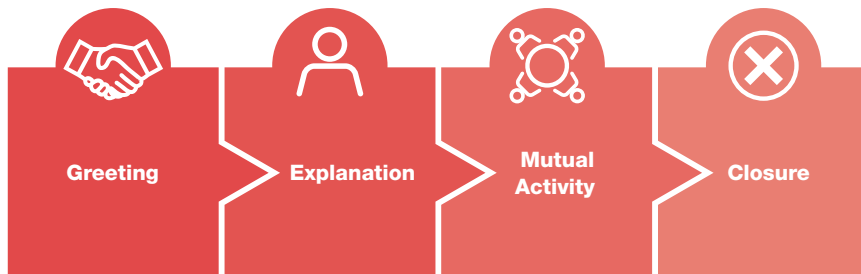
During the *pre-interview* phase, the interviewer should prepare for the interview, having assessed the risk of conducting an interview with the particular individual at the particular time, by developing a plan. This will ensure that the interview is effective, fair and thorough. Interviewers need to be mindful that their attitude and behaviour has a direct impact on the outcome of the interview.

Planning and preparation is necessary in order to:

- Identify problems/issues to be resolved;
- Identify the information requirements;
- Identify the aims and objectives to be achieved;
- Analyse and categorise information/facts/evidence already gleaned by the inquiry;
- Plan the conversational format;
- Plan the questioning structure;
- Identify topics/issues to be covered;
- Determine the most appropriate order in which to interview particular individuals;
- Brief the co-interviewer/other parties;
- Anticipate resistance/conflict.

7.3.2 During Interview

The during interview phase has four key elements: greeting, explanation, mutual activity, closure. Each of these phases should be monitored by the interviewer throughout for signs of evasion, avoidance and/or inconsistencies.



Appropriate visual contact, followed by a warm greeting and building rapport are essential to successful interviewing.

Greeting

The greeting element helps to build rapport and demonstrate active listening skills, which should be maintained throughout the interview. The greeting should include the following:

- Making good eye contact;
- Using head movements to indicate attention;
- Creating a connection/commonality;
- Explaining the reason for meeting/objectives of the interview;
- Allaying concerns/anxieties – this eliminates distractions;
- Creating a mood/atmosphere to encourage talk. Observe the slightest verbal and non-verbal behaviour and interpret them correctly;
- Active listening – difficult because it goes against basic human behaviour – but essential to build rapport.

Explanation

The explanation element sets the scene for the interview, it is the beginning of creating the mood/atmosphere to encourage engagement in the process. Its purpose is to outline the agenda and broadly the topics to be covered and the likely duration. Providing this information to the interviewee from the outset satisfies his/her immediate need for information and helps the interviewer maintain an appropriate level of control over the interview. The procedure for comfort breaks, taking phone calls, seating arrangements, etc. should also be outlined during this phase.

During the explanation, both witnesses and suspects should be issued a Caution with regards to their obligations to cooperate in the inquiry. Failure to cooperate may be a breach of the sports regulations and may lead to charges.⁷ An example of a caution for suspects and witnesses is included in Appendix 4.

Mutual Activity

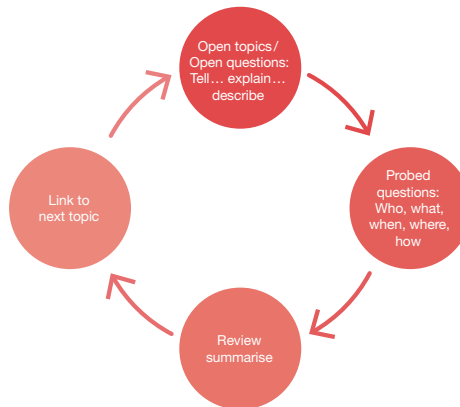
The mutual activity element of the interview is where the interviewer facilitates the source in giving their account of the event under examination and the subsequent questioning of that account. Questions which lead the interviewee in the direction of a particular answer (i.e. leading questions) should be avoided during this phase of the interview. Open questions only should be used to encourage a free narrative of detail such as questions that begin with tell, explain, describe (TED). Interviewers should be cognisant of the requirement for corroboration and should endeavour to procure sufficient detail within the interviewee's account to facilitate independent checks that will substantiate the account or otherwise. Interviewers should scan for changes in the communication style of an interviewee throughout the interview.

Mutual activity requires the interviewer to engage in active listening while registering and retaining the relevant information being disclosed. It is crucial that the interviewee is permitted to give their account without interruption or judgement.

A skilled interviewer will use pauses during this phase to ensure that the interviewee has finished saying what he/she has to offer on the topic. It also allows time to enable a mental comparison of what has been said to what the interviewer already knows.

The information disclosed during the *mutual activity* phase of the fact-finding interview needs to be probed to ensure that it is as complete and accurate as possible. Effective probing requires the systematic selection of topic, focused questioning: who, what, when, where and how are effective, focused questions. Each topic should be completed using this set of questions. It also requires the interviewer to manage his/her own verbal and non-verbal behaviour while monitoring that of the interviewee.

Interviewers should be cognisant of the requirement for corroboration and should endeavour to procure sufficient detail within the interviewee's account to facilitate independent inquiries that will substantiate the account or otherwise.



⁷ See, for example, article 2.6 of the Olympic Movement Code on the Prevention of the Manipulation of Competitions. Available at: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/olympic_movement_code_on_the_prevention_of_the_manipulation_of_competitions-2015-en.pdf

Closure

When the objectives of the interview have been achieved, the closure element is important to cement the relationship established in the greeting phase. It is important to leave the interviewee in a positive frame of mind and willing to accept future contact with the inquiry team. The interviewee should be thanked for his/her cooperation (or time if cooperation was not forthcoming). He/she should be invited to ask any questions they wish. In addition, contact details should be provided in case he/she has anything to add in the future.

This element of the interview should gradually return to the neutral topics that were referred to in the greeting phase. Good closure leaves open the option of returning to the source in future, should it be necessary.

Rapport

Rapport-building is about creating a non-judgemental, non-coercive atmosphere conducive to disclosure. It is characterised by empathy and active listening. Its purpose is: to encourage cooperation, reduce potential resistance and gain an insight into the interviewee's background/possible motives/vulnerabilities. It is intended as a natural stepping stone into the mutual activity phase. Using rapport to identify and reflect the emotional needs of the interviewee will save a lot of time and potential conflict. These considerations will also help the interviewer to keep an open mind.

The establishment of rapport can be facilitated during the interview process by showing concern for the interviewee and their predicament and through discussion of personal issues such as family, relationships and pastimes or any neutral topic outside the matters under investigation. The rapport-building phase presents interviewers with an opportunity to establish a normal communication style, which is essential to getting detailed accurate information. It also allows an assessment of the interviewee both in terms of verbal and non-verbal behaviour. This becomes important where changes in these patterns are identified by interviewers during the interview proper, as these changes may indicate discomfort. Interviewers should

be aware of their own behaviour and what it communicates to an interviewee. It is important that interviewers do not engage in a formulaic question-and-answer style, because this approach does not add any value to the inquiry or the quality of information gathered.

While rapport should be developed at the greeting phase, it should be maintained throughout the interview.

At some time during the interview process, usually towards the end, it will be desirable and invariably necessary to take a written statement from the witness or suspect. In all cases there should be a declaration on the written statement, either at the start or the end, to the effect that the statement is truthful that is signed by the interviewee. If a legal representative, friend or interpreter is present, they should also sign the document as a true record. There may be occasions when a suspect declines to make a written statement. If this is the case, the interviewer should record the fact that the request for a written statement was made and write down the response of the suspect. The wording of the declaration should have been agreed with the Legal Adviser of the sports organisation (see Appendix 5 for an example of a Written Declaration).

7.3.3 Post-interview

In addition to any notes taken during the interview, interviewers should review and complete an accurate summary of the interview and decide what, if any, further action needs to be taken. During this process, the interviewer should maintain an investigative mind-set by keeping an open mind about the account given and identifying avenues for checking or corroborating details provided. The outcome of any fact-finding interview can usually be divided into four broad categories: people, locations, actions and times (PLAT). This is useful for carrying out checks and can also be compared to the PLAT known to the inquiry from other sources.

In summary, upon completion of each fact-finding interview, it is important to review the product of the interview by:

- Reviewing the interviewer’s own performance;
- Analysing the information from the interview;
- Reviewing information from the interview in conjunction with existing information and evidence;
- Conducting a risk assessment;
- Identifying further action required as a result of the interview;
- Briefing relevant parties.

7.3.4 Types of Interviewee

In any fact-finding inquiry, there will be individuals who can provide information from a number of different perspectives to the inquiry, for example:

- “Whistle-blower” – the individual who reported the wrongdoing, or caused it to be reported, to the authorities;
- “Independent witness” – an individual who can offer information to the inquiry and who has no vested interest in the outcome;
- “Eye witness” – an individual who has first-hand knowledge of the matter or person who is the focus of the inquiry;
- “Suspect” – the individual who is suspected of having committed the breach that is the focus of the inquiry.

Regardless of their status within the inquiry, interviewees usually fall into two distinct categories: cooperative and uncooperative. The key phases of the interview and their key elements, as outlined above, should be adhered to.

Many individuals, including suspects, if approached in an appropriate and sensitive way, will demonstrate a willingness to cooperate with an inquiry. In an interview with a cooperative interviewee, the approach of the interviewer should be guided by a style of interaction characterised by patience and support for the interviewee. The control over the interview should largely be afforded to the interviewee. Skills

such as planning, active listening, eliciting a free narrative account and systematic probing of topics are necessary. If a cooperative interviewee wishes to provide details of his/her account in writing before the interview, this should be facilitated. A systematic probing of this account should then be conducted by the interviewers.

Some individuals, including but not exclusively suspects, may be unwilling to cooperate with the inquiry regardless of the interviewers' approach. Some suspects may be compelled by the sports regulations to engage in the process or face some kind of sanction. Consideration should be given to likely motives for non-cooperation such as fear/perception of fear, intimidation/threats or unfamiliarity with the process. Sensitivity should be exercised in these instances. Uncooperative suspects employ a variety of tactics including the following:

- Providing a thin account/little detail;
- Failure of memory without any attempt to recall;
- Account has inconsistency/contradictions;
- Answering a question with a question;
- “Blanking”/failing to answer the question;
- Deception;
- Interrupting/talking across the interviewer;
- Arguing;
- Excessive emotions;
- Excessive technical/expert detail;
- Deflecting/referring to another.

In this type of interview, the interviewers' approach should be guided by a pre-determined interview strategy. Control over the interview should be retained by the interviewers.

Evidence of wrongdoing in the interviewers' possession should be withheld during the early stages of the interview process. This is a safeguard against false confessions and also assists in identifying deceptive accounts.

Questioning should follow an encircling course in which innocent explanations for a given piece of evidence are probed and eliminated in advance of revealing the evidence and challenging the interviewee. Also known as “funnel questioning”, this approach eliminates conceivable manoeuvres for the interviewee when later confronted with evidence. Where evidence exists which contradicts an account given by the person, the interviewee should be challenged. A written record should be maintained of the questions asked and answers given, if any.

When the written account is complete, it should be read back to the interviewee, who should be asked if they have any further information in their possession regarding the subject matter of their account. The suspect, and any other person present at the interview should be asked to sign the record. If they decline to do so, this should be recorded in writing on the record by the interviewer.

7.3.5 Common Problems with Interviews

- Failure to plan;
- Interviewing individuals in an inappropriate order;
- The interviewer’s lack of knowledge of the details of the case;
- Failure to explain the process to the interviewee;
- Inadequate rapport between the interviewer and the interviewee;
- Rapid-fire questions/topic-hopping;
- Questioning and accusing before hearing the interviewee’s account;
- Failure to probe for detail;
- Premature closure;
- Failing to recognise cultural differences;
- Misinterpretation of body language/non-verbal behaviour.

8 Case Evaluation and Reporting

8.1 Assessing the Facts

Findings of fact must be based on the evidence or relevant, reliable information that has been collected during the inquiry. Remember that evidence is documents/things collected and what people said they perceived. Actions must follow from the information that has been collected to arrive at the facts, and not the other way around. In other words, do not try to justify a fact by only collecting evidence that supports it. If something is asserted in a report there should be information to back it up that is relevant and reliable. You should have evaluated this information as outlined in Chapter 2, Point 6.5 of this Handbook and then taken steps to verify it as much as possible through open inquiries and/or closed inquiries where appropriate.

Relevant information is information that would make a fact more or less probable than it would be without the information. If the information does not help to distinguish whether a fact occurred, then it is not relevant. The test is: does this information help me work out whether something did or did not happen?

Reliable information is information that you consider to be accurate, and you are confident enough to use to make a finding of fact. Using reliable information includes working out whether documents are authentic or genuine or understandable in the context of the inquiry, if you know (in so far as is possible):

- Where they came from;
- What was done to them;
- To whom they have been shown, if they have been examined or tested in any way;
- Where they have been kept;
- Whether they are available to the inquiry, or if not, why not.

In the same way that you try to ensure that the information used in a fact-finding inquiry is relevant and reliable, it is important to take steps to ensure that the people providing information are credible and trustworthy and the perception of what they are reporting is accurate. If you do not feel confident enough to make a finding of fact based on the information collected, you should either not make a finding or collect more information that increases your confidence.

8.2 The Case File

The format and contents of the case file should be in compliance with the standard operating procedure (SOP) of the Disciplinary Committee. If no such SOP exists, it is recommended that the following processes be used when constructing a case file for submission to a disciplinary inquiry:

- One file per person;
- Covering (summary) report;
- Chronological order;
- List of appendices including detailed records of all actions taken during the inquiry including a synopsis of any interview(s) conducted;
- Copies of all statements, reports and exhibits taken during the course of the fact-finding inquiry.

The covering report should:

- Outline the context of the inquiry;
- Present a chronological account of the events and facts;
- Include a report of the betting monitoring system regarding irregularities in the betting market (if available);
- Provide background information on the subject;
- Provide a (preliminary) assessment regarding provisions possibly violated and identified violators;
- Include the recommendations of the fact-finder.

A covering memo or an executive summary should briefly describe how the inquiry came about, how long it took, who was involved, how the fact-finder went about doing the inquiry, what was found and what it recommends. If the report contains confidential or sensitive information, or information from a confidential source, this should be clearly highlighted from the outset. In addition, the report should be transmitted in such a way as to protect the confidentiality/sensitivity issue, for example by delivering it by hand directly to the committee rather than sending it in open correspondence.

The report should describe the scope and purpose of the inquiry and any changes thereto. In other words, detail what functions were inquired into and why the inquiry was relevant to your organisation. Provide a list of documents and other items collected, identifying who provided them. A list of people interviewed in connection with the inquiry, a summary of the information that they provided and also a list of people affected by the inquiry should be provided.

Detail your findings of fact either in narrative form or in bullet-point form. Include any charts, diagrams or photos that might help support or explain the facts. Do not just mention statements and things but explain how they are relevant. Your findings of fact should tell the reader:

- When the conduct occurred (time/date/place);
- Who did what and how they did it, and;
- If possible, why they did it.

The Case File should be forwarded to the disciplinary body of the federation to acquaint them with the facts and circumstances and to initiate the next steps, notably disciplinary proceedings and, where relevant, law enforcement.

Appendix

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1 Fact-Finding Inquiry Plan

Context			
Fact-Finder / s:			
Date Inquiry Commenced:	Expected Completion Date:	Media Strategy	<input type="checkbox"/>
Suspected Competition/Match:	Date:	Place:	
Competition:	Status:	Risk Analysis:	
	Finished <input type="checkbox"/>	Yes <input type="checkbox"/>	
	Ongoing <input type="checkbox"/>	No <input type="checkbox"/>	
Source of Suspicion:			
List of suspects (if known):			
Betting Monitoring Evaluation:			

Background Inquiries				
Date	Source	Summary	Evaluation ⁸	MANU ⁹

⁸ Source Evaluation – How reliable is the source of information/intelligence? Grade as A, B or C
 Information Evaluation – How accurate is the information? Grade as 1, 2 or 3
 Handling Code – Who can the information be shared with? Grade as X, R or O.
⁹ M: Minor risk, A: Adequately controlled by existing measures, N: Not adequately controlled, U: Unknown risk.

Interview Schedule				
Date	Interviewee	Summary	Evaluation	MANU
Open Inquiries				
Date	Source	Summary	Evaluation	MANU

Internal Notifications (include updates)

Person/ Role	Date/ Time	Summary

External Notifications (include updates)

Person/ Role	Date/ Time	Summary

Risk Management				
Date/Time	Threat	Rating MANU	Existing Measures to Control Risk	
Actions Required to Control Risk:		By Who	When	Done
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

Date/Time	Threat	Rating MANU	Existing Measures to Control Risk	
Actions Required to Control Risk:		By Who	When	Done
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

Risk Management

Rating MANU

Existing Measures to Control Risk

Actions Required to Control Risk:

By Who

When

Done

Progress Reviews – including persons
present and outcomes

By Who

When

Done

2 Sample Acknowledgement Email

[Insert Official Heading]
[Insert your contact details]

Dear [insert name]

I am writing to let you know that I have received your report regarding [insert wording from the report].

Thank you for reporting your concerns and for your patience while we look into the matter.

I may need to speak to you in the future. In the meantime if you have anything further to add, or you have any further queries, please do not hesitate to contact me.

Yours sincerely

[Insert signature]
[Date]

3 Interview Plan

Date	Interviewer /s
Time:	Exhibits / Items to use during interview:
Location:	
Potential Regulatory Breaches:	

Points to Prove:
(regulatory breaches proofs)

Interview Objectives:
(The Goals for the Interview)

Facts Established:
(What is already Known)

Facts to be Established in this interview.
Topics to be covered. (Based on the fact established what can the interviewee add or corroborate.)

Defences:
(Probable Areas of Defence)

Interviewee Background:
(Consider vulnerabilities, motivation)

Greeting, explanations & Rapport Building topic:

Mutual Activity During Interview:

Topics:

Add new Topics that arise
during interview:

Assess, Corroborate & Review:

Closure:

4 Cautioning a Suspect in a Fact-Finding Inquiry

At the commencement of the interview of a suspect, the suspect should be given a full caution as follows:

Introduction

This interview of [insert participant's name] will be conducted by myself, [insert name of the lead interviewer] of [insert name of organisation], and [insert name of the other interviewer] of [insert name of organisation]. The date is [insert date] and time is [insert time], located at [insert details of the location].

Also present are [insert names of the any other present, if any e.g., interpreter or legal counsel].

Caution

Please note that you are about to be interviewed pursuant to the [insert applicable sports regulation] and in respect of an ongoing investigation into a possible breach or breaches of the [insert applicable sports regulation]. You are bound by these rules and as such, you are reminded that it is an offence to fail to cooperate with such investigations. You are therefore required to provide truthful, accurate and complete responses to any questions asked and to provide all information requested. The answers and information you provide may be used as evidence to support a charge of breach of the [insert applicable sports regulation] by a third party or they could be used to support a charge against you if they reveal that you may have breached the [insert applicable sports regulation] either by acting corruptly yourself or by failing to report corrupt advances or corrupt actions by others. If you fail to answer any questions, any disciplinary body convened under the [insert applicable sports regulation] to hear a case against you is entitled to draw adverse inference from your failure to answer, i.e., the disciplinary body may infer that any answers you would give would incriminate you.

Following today's interview we will ask you to sign a Written Statement setting out details of the information you provide to us in an interview, which may be used as part of the investigation and/or in any resulting disciplinary proceedings. You will have the opportunity to fully review any draft statement prepared and to amend or correct it as you see fit to ensure that you are happy to sign the statement to confirm that it is true to the best of your knowledge and belief, and that you have not wilfully stated in it anything which you know to be false or do not believe to be true.

The interview will be fully recorded and may be produced in any subsequent proceedings. If it becomes necessary, a transcript may be produced and a copy can be furnished to you. If at any time you would like to have a break in the interview or request that the recording is switched off for any reason, please let us know.

Do you understand this caution?

Signature:

5 Cautioning a Witness in a Fact-Finding Inquiry

Where a person is being interviewed, over whom the sports organisation has jurisdiction (i.e. a participant), to ascertain their knowledge of matters being investigated as a witness then that person should be cautioned as follows:

Introduction

This interview of [insert participant's name] will be conducted by myself, [insert name of the lead interviewer] of [insert name of organisation], and [insert name of the other interviewer] of [insert name of organisation].

The date is [insert date] and time is [insert time], located at [insert details of the location].

Also present are [insert names of the any other present, if any e.g., interpreter or legal counsel].

Caution

The [insert sports organisation] is conducting an investigation into possible breaches of the [insert applicable sports regulation] and, as part of this investigation, the [insert sports organisation] wishes to interview you to see if you can assist the investigation in any way. You are reminded that, as a Participant bound by the [insert applicable sports regulation], you are obliged to cooperate fully with such investigations (including, without limitation, by providing truthful answers to the questions asked of you today) failing which you may be liable to be charged with a breach of the [insert applicable sports regulation].

Following today's interview we will ask you to sign a Written Statement setting out details of the information you provide to us in an interview, which may be used as part of the investigation and/or in any resulting disciplinary proceedings. You will have the opportunity to fully review any draft statement prepared and to amend or correct it as you see fit to ensure that you are happy to sign the statement to confirm that it is true to the best of your knowledge and belief, and that you have not wilfully stated in it anything which you know to be false or do not believe to be true.

For the purpose of our records, we are going to record this interview. If it becomes necessary, a transcript may be produced and a copy can be furnished to you.

If at any time you would like to have a break in the interview or request that the recording is switched off for any reason, please let me know.

Do you understand this caution?

Signature:

Note that if during the course of the interview it appears that he/she may have moved from a witness to a suspect, the interview will need to be paused while he/she is warned and given the necessary full caution as in the first one above).

6 Written Declaration Template

Written Declaration

This Written Declaration should explain what you believe happened during the incident to which you have been called to submit a Written Declaration. You can include any evidence that supports your statement.

This declaration is made by:

Name:

Address:

Street:

City:

Postal Code:

Country:

Date of Birth:

Passport Number:

I Declare:

I declare that the foregoing is true and correct.

Signed at, [City] [Country]
on [Date].

Signature of Declarant

Print or Type Name

