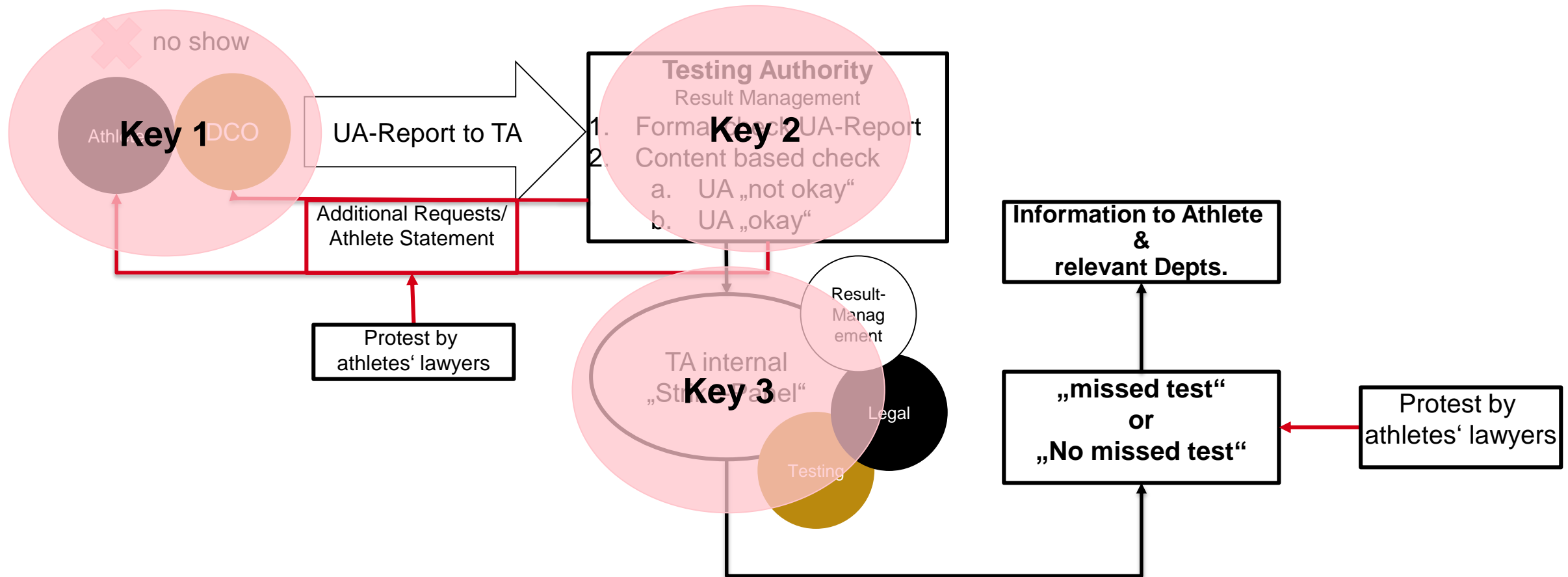


# **„Hard cases make bad law“ How to avoid pitfalls in the doping control.**

Stefan Trinks  
Director Department Testing Program  
NADA Germany

# The route of an unsuccessful attempt (UA)



## **Key 1: Athlete & DCO „get-together“**

- **DCO behaviour/ TA techniques to avoid errors**
  - adequate judgement of (critical) situations
    - train staff, athletes (*Code Art. 2.4, 5.2; ISTI, Annex I.3, 4*)
    - DCOs: realize unsuccessful attempt or refusal
  - reasonable time for attempt
  - appropriate attempts to meet athlete
  - „double“-DCOs
  - accurate documentation of UA

# Evolution of UA-Forms

TEST MISSION CODE - CODE DE MISSION DE CONTRÔLE

WHEREABOUTS USED - INFORMATIONS SUR LA LOCALISATION UTILISÉE

DATE OF ATTEMPT

3. ATTEMPT INFORMATION - INFORMATION CONCERNANT LA TENTATIVE

LOCATION / LIEU

DESCRIPTION OF LOCATION / DESCRIPTION DU LIEU

DATE OF ATTEMPT / DATE DE LA TENTATIVE

DESCRIPTION OF ATTEMPTS

**Unsuccessful attempt report (target test)**

TestID ADO Test Mission Code Test pool Athlete name

Test attempt date Last ADAMS check

Test attempt date X Date X Time

1st attempt

Street ZIP City

Start time End time 1h slot

Actions and situation on site (incl. persons met and their statements)

1st phone number Attempts (#1) 2nd phone number Attempts (#2)

3rd phone number Attempts (#3) 4th phone number Attempts (#4)

2nd attempt

3rd attempt

**Fotoupload**

Durchsuchen... Keine Datei ausgewählt. Description

Durchsuchen... Keine Datei ausgewählt. Description

Durchsuchen... Keine Datei ausgewählt. Description

Durchsuchen... Keine Datei ausgewählt. Description

Durchsuchen... Keine Datei ausgewählt. Description

Upload selected photos

nekv@nada.de  
T +49 (0) 228 / 812 92 - 0

**Meldeblatt für nicht erfolgreiche Kontrollen**  
Unsuccessful Attempt Formular (UAF)

**Anhang A: Detaillierte Angaben zu den aufgesuchten Orten (Mehrfachnennungen möglich)**

26 KONTROLLORT:  Wohnhaus  nicht zutreffend

freistehendes Gebäude  Doppelhaushälfte/Reihenhaus  Wohnblock  Anderer Gebäudetyp: \_\_\_\_\_

Das Gebäude konnte von allen Seiten eingesehen werden  Ja  Nein (Bitte in Zeile 30 begründen)

4 h. der DCO konnte um das Gebäude/Grundstück herum- bzw. in den Garten gelangen

Einliegerwohnung  WG  Einzimmerwohnung  Maisonette Wohnung  nicht bekannt / ersichtlich

Gemeinschaftsräume  Waschraum  Keller  Hof  Garten  Sonstiges: \_\_\_\_\_

Wohnheime  nicht zutreffend

Gemeinschaftsräume  Waschraum  Keller  Hof  Garten  Sonstiges: \_\_\_\_\_

Sonstige (vorübergehende) Unterkünfte  nicht zutreffend

Cafeteria  Bar  Restaurant  Lobby  Hof  Sonstige Aufenthaltsräume

Pool/Garten/Parkanlagen etc.: \_\_\_\_\_

Sonstige Aufenthaltsorte  nicht zutreffend

Cafeteria  Kantine/Mensa  Bar  Restaurant  Lobby  Küche  Bibliothek

Sonstige Aufenthaltsräume und Plätze: \_\_\_\_\_

27 Das Gebäude/Gelände an der Zieladresse hat weitere Ein- bzw. Zugänge  Nein  nicht erkennbar  Ja (Bitte in Zeile 30 näher erläutern)  
(Garagener, Hintereingang, Kellertür, sonstige befestigte Wege etc.)

28 Der Eingang wurde während des gesamten Zeitfensters eingesehen  Ja  Nein (Bitte in Zeile 30 näher erläutern)

29 Der Name des Athleten war eindeutig einer Klingel zuzuordnen  Ja  Nein (siehe Fotos von Klingelschildern und Briefkasten)

30 Sonstige Angaben zu den aufgesuchten Orten und den jeweils vor Ort verbrachten Zeiten (z.B. zu Gebäude, Raum/Zimmernummer, Etage)

31 Die Klingel wurde mehrfach wiederholt betätigt  nicht zutreffend (weiter in Zeile 33)

Uhrzeiten: \_\_\_\_\_

32 Das Läuten der Klingel kann vom Standpunkt  deutlich gehört  nicht gehört werden  
Die Funktionalität der Klingelanlage wird durch ein akustisches oder optisches Signal bestätigt  Nein  Ja: \_\_\_\_\_

33 Der DCO konnte bis zur  Haustür  Wohnungstür  Zimmertür vordringen (falls nicht, bitte begründen)  nicht zutreffend (weiter in Zeile 34)

Folgendes verhinderte ein weiteres Vordringen: \_\_\_\_\_

z.B. Zugang zum Treppenhaus nicht gewährt, fehlende/r Zugangskarte oder Zugangscode, sonstige gesicherte Bereiche mit beschränktem Zutritt, Rolltor/-gitter, Zaun, Mauer, Hecke, (Garten-)Tor, Hund, sonstige Warnhinweise, Dritte Person, fehlende zusätzliche Angaben in ADAMS

34 Der DCO konnte mehrfach wiederholt an der o. g. Tür klopfen  Ja  Nein

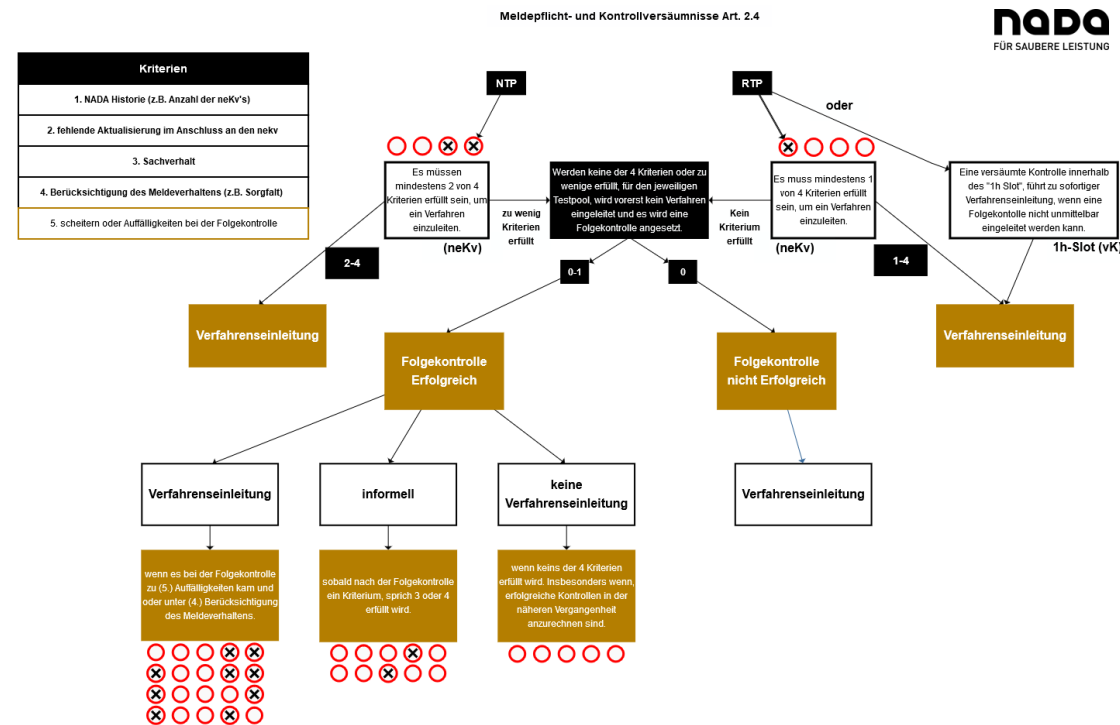
## **Key 1: Athlete & DCO**

- Refusals

- might happen very polite by athletes
- accurate accentuation/documentation of refusal
  - no information on refusal (Code Art., 2.3), no chance to take action for TA/RMA

# Key 2: TA Result Management

- specify minimum requirements
- foreign/non Testpool-Athletes:
  - contact-data mandatory!
  - at least Email-address
- Pre-Criteria for case openings
  - systematic scoring system



## **Key 3: Interdisciplinary assessment**

- Result Management
  - formal facts, records, repetitive behaviour of athletes
- Legal
  - juridical estimation, discharges
- Testing
  - testing series, behavioral-patterns, avoidance-strategies

# Cases

Case 01	Doorbell-cases
Case 02	The third party
Case 03	The hurried Student
Case 04	The sister
Case 05	Vacation-location



# Case 01 „Doorbell-cases“

## Situation:

- Athletes are not opening the door, as they have not heard the doorbell, due to:
  - Sleeping
  - Being in the cellar, garden
  - Doorbell broken
  - ...

## Conflict:

- Whereabouts are correct, no „misbehaviour“ by athlete vs. „reachability“ of Athletes by DCOs

## Solution?

- Positioning of TA/RMA

## Case 02 „The 3rd-person“

### Situation:

- Family-member (unknown person) opens door; informing that athlete is „just around the corner“
- Person calls athlete; „now“: athlete is not around the corner anymore but 300km away

### Conflict:

- Contradictory information!
- „trust“ 3rd Person?

### Solution?

- DCOs calls athlete
- Stay at adress/location
- ...

Kalender

Monday		Tuesday	
Training (17:30 - 19:30)		Physio (18:00 - 19:30)	
At home (21:00)		At home (21:00)	
Friday		Saturday	
Uni		Uni	
At home (21:00)		At home (21:00)	
Sunday			
At home (21:00)			

## Case 03

### „the hurried student“

#### Missionorder:

- DCO performs test on Athlete (whereabouts see left); 3 more missions with expiring daterange on next day.

#### Description of local conditions:

- In the early Saturday morning, the athlete's apartment (known from previous controls) is already fully illuminated.

#### What happens:

- DCO rings doorbell Saturday at 07:00h; Athlete opens immediately the door, fully dressed.
- Without greeting, she says that she needs to go to a mandatory seminar at university and will not be admitted to final exams if she is not present there today
- Furthermore she states, that she will drive there by car (50min) but refuses to accept the DCO to accompany her.
- Grabbing her car-keys and by moving towards her car, she informs the DCO that she'll be available for testing this afternoon at 16:00h as she's having lectures all day long.
- She kindly says she's sorry, puts her stuff in the car, wishes the DCO a nice day, starts the car and drives slowly away, out of the DCOs sight.

## **Case 03 „the hurried student“**

### **Avoidance:**

...athlete actively evades DCO to avoid the notification (hiding, running/driving away...)

### **Refusal:**

... the control/test is expressively denied and this is signed by the athlete

### **Refrain from test without compulsory reason:**

... the athlete intentionally or negligently does not appear for the testing or does not cooperate (eg because of important appointments)







## Case 03: „the hurried student“

### Key Facts:

The athlete is not **immediately** available for a doping control and does not fully agree to participate in the sampling process. Specifically, she **rejects** the accompaniment by the DCO.

### Possible solutions:

1. Inform her about her responsibilities and the consequences of a possible violation of **Article 2.3 NADC: a refusal!**
2. Try to see the situation from the athlete's point of view: what might stress her if you accompany her? Maybe offer her to talk to the lecturer and explain the situation.
3. Please have in mind that NADA judges, if her **reason** to refuse the test is **compulsory** and refer to NADA if she needs more information.
4. Priority **#1: get a sample**. Insist if necessary and give the athlete the opportunity to change her mind during the conversation.
5. Please be as precise as possible while documenting the situation. If possible, let the athlete read and **sign** the statement on the **refusal-form**.
6. Additionally, fill out a UA-form or a DCO-Report

05-Dez-2016	06-Dez-2016
Home 	Home 
07-Dez-2016	08-Dez-2016
Home 	Home 
09-Dez-2016	10-Dez-2016
Home 	Home 

## Case 04

### „the sister of the female athlete“

#### Missionorder:

- Mrs Schneider (Volleyball) is to be tested in early morning at her home in Berlin Mahlsdorf.

#### What happens:

- DCO rings the doorbell at 06:20am. A female voice answers the intercom at 06:22am and, after the DCO introduced herself, opens the door of the multi-family house in Berlin Mahlsdorf without an additional word. As the DCO can't identify the floor in which the flat lies, she walks to the top floor. Since on the way up all doors remain locked, the DCO rings at the apartment at third floor "Müller / Schneider" after she checked all apartment doors. Thereupon a young woman, who looks similar to the athlete opens and introduces herself as the sister of the athlete. She seems to be a bit sleepy, and tells the DCO that she has not exactly understood the DCO via the intercom. Behind her in the hallway is an open sports bag.
- „3rd person“ informs the DCO that she is only visting her sister for a few days but that her sister had already gone to Kienbaum (30min drive away). The DCO can slightly remember from a newspaper-article that the athlete has a married sister in Cologne. The DCO leaves the young woman and returns to her car. From there, the DCO tries to reach the athlete by telephone for around 50min (it rings but after a while an unspoken mailbox answers). As the DCO approaches the door again, she recognizes a car with the large logo of the volleyball club of the athlete. The car is parked in the parking lot in front of the building.
- No reactions occur to the continued ringing at the apartments doorbell of the athlete.

#### Aufenthaltsort des Wettkampfes


Ich habe dieses Quartal keine Wettkämpfe.

Grund

#### regelmäßige Tätigkeiten

Ich habe keine regelmäßigen Tätigkeiten in diesem Quartal.

Grund

 2016-Q4, Gesendet

Dez 2016

Nov 2016

Okt 2016

## **Case 04: „the sister of the female athlete“**

### **Key Facts:**

(1) ADAMS entries (2) delay after ringing (3) identity and appearance of the sister (4) sports bag (5) according to sister the early leaving of the athlete (6) car (7) no reaction to second ringing attempts

### **Possible solution:**

- If possible: ID-check of Person DCO talks to- if not possible, need for documentation
- Gathering more intelligence: start conversation with that person, eg check cellphone number together.
- Pictures of suspicious situations (eg car)

## Case 04

### „Vacation-location“

17-Jan-2017



Italien  
🕒 (07:00)

#### Kontaktdetails

Telefonart	Telefonnummer	
Handy	4915154440602	<input checked="" type="checkbox"/> SMS-Abmeldung verwenden <b>aktiviert</b>



#### Missionorder:

- Since the athlete is abroad, the test will take place in the third week after his arrival in Italy inside his 1h-slot.

#### Description of location on site:

- Without the gate-PIN, the terrain cannot be entered. Both gates (entrance and exit) are locked. During the repeated ringing attempts at the apartment no. B2, an acoustic "beeping" sounds and the display lights up. However, the door is not opened and no one answers the intercom. It's not clear in which of the building / apartments behind the gate the Athlete lives. 50 meters in front of the gate, two ways pass: on the left a footpath which leads first along the wall, but then ends in a meadow. The road to the right leads away from the residential complex and divides after a while without another indication to an entrance to the plant. During the waiting period, no one enters and leaves the complex.

#### Notification/ Here is what happened:

- Athlete does not open the gate despite of repeated ringing and does not appear, too. The subsequent calls remain unsuccessful: cellphone as well as the Italian phone number and the number indicated for the current place of residence. The DCO forgot to suppress his number, so the athlete re-calls 40 minutes after the end of the 1h-slot. He says, he just got up and just recognized the call. He would like to catch up with the DCO and asks if they can still meet for the test



## **Caso 04: the vacation location**

### **Key Facts:**

(1) RTP / within 1h slot (2) international test (3) Whereabouts weak for given Daterange (4) no contact within 1h-slot possible 5) special conditions on site (6) telephone number suppression / recall of the athlete

### **Possible solution:**

- 1st attempt within 1h-slot not successful (UA), 2nd attempt successful.

**Thank you!**

**nada**

**FÜR SAUBERE LEISTUNG**