



PROGRAM MATERIALS
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Legal Sports Betting and the Integrity of Athletic Competition

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Legal Sports Betting and the Integrity of Athletic Competition

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AGENDA

1. PASPA, *Murphy v. NCAA*, and their Aftermath
2. Gambling-related risks to game integrity: U.S. and Europe
3. State laws legalizing/regulating sports betting
4. Gambling policies of sports governing bodies
5. Best Practices for protecting the integrity of athletic competitions



1. PASPA and *Murphy v. NCAA*

Background

- Professional and Amateur Sports Protection Act, enacted in 1992
- Major professional sports leagues and NCAA lobbied vigorously for the law
- Made it unlawful for states to enact legislation that legalized sports betting
- Grandfathered 4 states that already offered sports gambling
- Created private cause of action for professional or amateur sports organizations to bring civil actions to enjoin violations

1. PASPA and *Murphy v. NCAA*

Supreme Court invalidates PASPA

- 138 S. Ct. 1461 (May 14, 2018), 7-2 decision
- Upholds New Jersey's years-long challenge to PASPA as a violation of 10th Amendment prohibition on commandeering the regulatory power of the states
- Court: PASPA “unequivocally dictates what a state legislature may and may not do” and thus unconstitutionally places state legislatures “under the direct control of Congress.”
- Does not endorse state-sponsored sports gambling
- Does not legalize sports gambling and fantasy sports

1. PASPA and *Murphy v. NCAA*

Aftermath

- States now allowed to legalize sports gambling within their own borders, if they comply with other existing federal laws
- Congress still constitutionally permitted to pass a statute directly forbidding or regulating sports gambling
- Federal proposals sputter, e.g., Sports Wagering Market Integrity Act of 2018
- Field is open for states to legislate

1. *Murphy v. NCAA* Aftermath

State Sportsbook Tally as of August 2019

- 10 states have legal, fully operation sportsbooks:

Arkansas	New Jersey	Pennsylvania
Delaware	New Mexico	Rhode Island
Mississippi	New York	West Virginia
Nevada		

- 8 jurisdictions have passed sports betting legislation ready to launch within next six months:

Illinois	Montana	Tennessee
Indiana	New Hampshire	Washington, D.C.
Iowa	North Carolina	

- 26 states are moving toward legalization

2. Gambling-related Risks to Game Integrity

Overview

Match-fixing expert Declan Hill describes the current wave of gambling-related corruption in sport as a “revolution”:

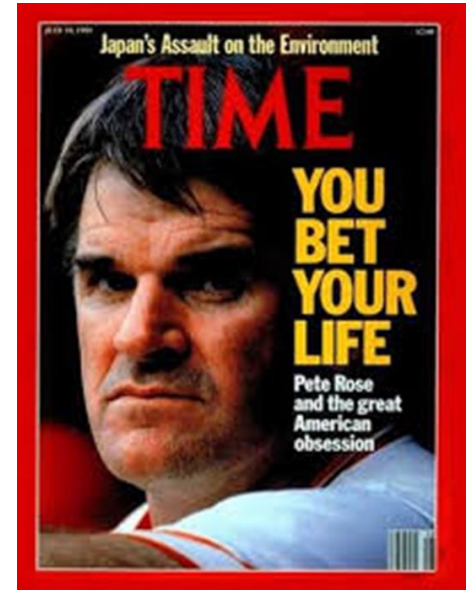
an utterly modern phenomenon [that] will destroy sports as we know them.”



2. Gambling-related Risks to Game Integrity

Worst Gambling Scandals in U.S. Pro Sports

- 1919 Chicago “Black Sox” fixed the World Series
- 1989 Pete Rose bet on baseball games as a player and manager
- 2007 NBA referee Tim Donaghy tipped inside info and bet on games he officiated



2. Gambling-related Risks to Game Integrity

College Basketball Point-shaving Scandals

- ❑ 2012: Auburn University
- ❑ 2009-11: University of San Diego
- ❑ 2004-06: University of Toledo
- ❑ 1994-95: Northwestern University
- ❑ 1994: Arizona State University
- ❑ 1985: Tulane University
- ❑ 1978-79: Boston College
- ❑ 1957-61: 27 schools, 47 players
- ❑ 1947-51: City College + 6 other colleges
- ❑ 1945: Brooklyn College



3 CCNY STARS JAILED IN FIX

*LIU, NYU Men, Big Bettor
Also Held in Cage Bribery*



2. Gambling-related Risks to Game Integrity

U.S. Law Enforcement Tools and Response

- 1964 Sports Bribery Act, 18 U.S.C. § 224, criminalizes “influenc[ing] ... by bribery any sporting contest”
 - Charged in all 6 college-basketball point-shaving prosecutions that post-dated enactment
 - Total reported prosecutions under Act in 55 years: 16
 - No prosecution involving a major professional sports league game
- Other federal statutes often invoked:
 - Interstate Wire Act
 - Travel Act
 - Wire Fraud
 - Illegal Gambling Business Act
 - Unlawful Internet Gambling Enforcement Act
 - Racketeer Influenced and Corrupt Organizations Act

2. Gambling-related Risks to Game Integrity

Legal Sports Betting and Match-Fixing in Europe

- *Federbet*: estimates that match-fixing in European sports “now exceeds 1,000 matches per year.”
- *Transparency International*: match-fixing is “a pandemic that is truly transnational in scope, being driven by advances in technology and sports betting, and attracts the attention of high-level sophisticated organised [sic] global crime networks that affect not just sport but society at large.”
- *Interpol-IOC Handbook on Protecting Sport from Competition Manipulation*: “the threats that undermine the integrity of sport and athletes do not stop at national borders.”

2. Gambling-related Risks to Game Integrity

Sorbonne and Council of Europe: “Tip of the Iceberg”

- Match-fixing occurs across all sports: football (soccer), cricket, rugby, tennis, boxing, basketball, baseball, a wide array of Olympic sports
- Most manipulations are accomplished by athletes, and to a lesser extent, referees
- Investigations typically implicate organized criminals who corrupt sports participants through bribery, extortion, blackmail, or threats
- Criminals attracted to high liquidity betting markets and binary betting formulas (sporting result is separate from the betting result)
- Domestic leagues are more vulnerable than top-level international leagues
- Junior and less elite athletes are more vulnerable than highest paid professionals

2. Gambling-related Risks to Game Integrity

Asser Institute Analysis of Football Betting Statistics

Analyzed 1625 Sportradar reports of highly suspicious football matches between May 2009 and November 2014, resulting in 3 key findings:

1. Main wagers used for match-fixing relate to: final score and number of goals scored.
2. Asian betting markets account for majority of illicit funds bet on football because allow bets to be placed anonymously and without betting limits.
3. Match-fixers exploit more than one main betting market and use both pre-match and live betting.



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Prof. Jodi Balsam



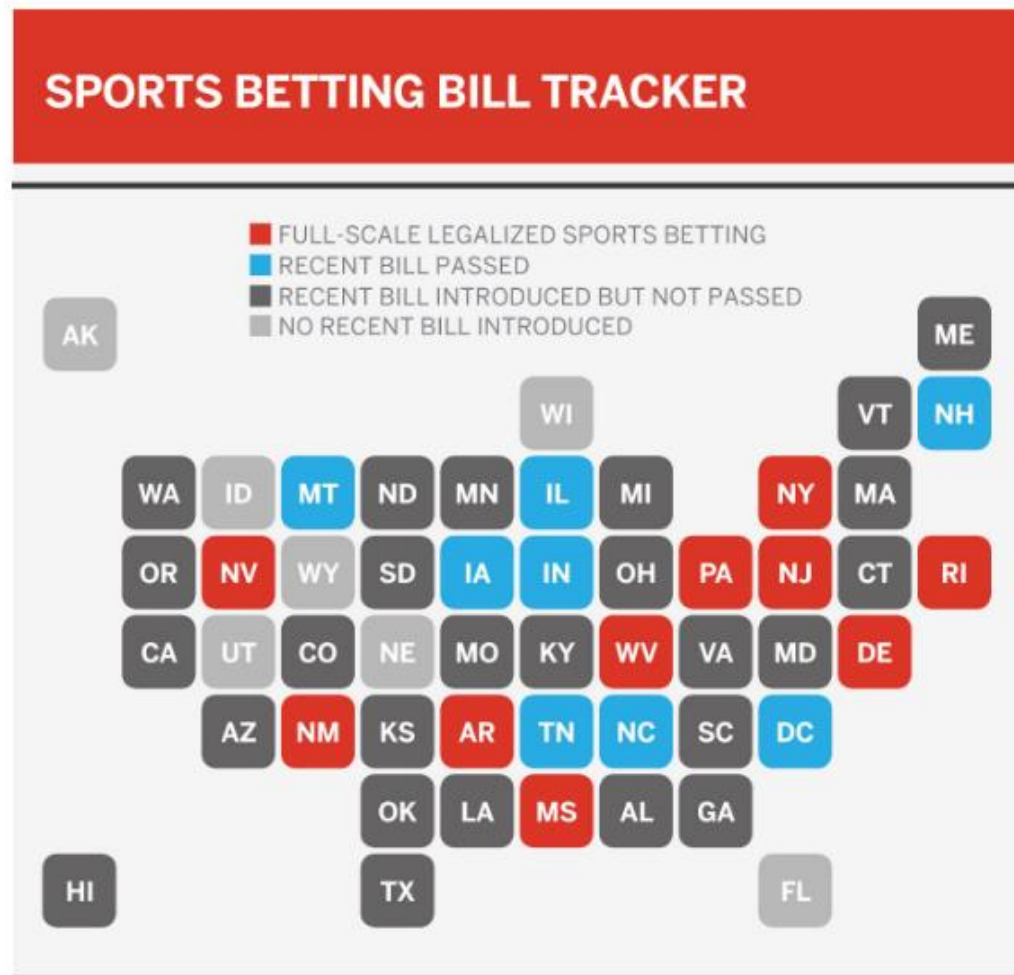
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2. Gambling-related Risks to Game Integrity

Ongoing Limitations on Combating Game Manipulation

- Insufficient cooperation and coordination at national and international levels
- Underinclusive government regulation and inattentive law enforcement
- Fragmentary operational cooperation between sports governing bodies and sportsbooks
- Unevenness in private rules, monitoring methods, and disciplinary sanctions for corrupt sports participants
- Criminal exploitation of structural weaknesses inherent to sports
- Difficulty of detection

3. State laws legalizing/regulating Sports Betting



U.S. legal sports betting as of August 1, 2019

Source: ESPN

3. State laws legalizing/regulating Sports Betting

Overview

- Most states follow Nevada model—empower existing regulatory bodies to oversee sports gambling
- Intermittent acknowledgement of game integrity issues—focus is on betting integrity:
 - Licensing requirements
 - Data sourcing
 - Mobile sports wagering
 - Reporting requirements
 - Illegal sportsbooks



3. State laws legalizing/regulating Sports Betting

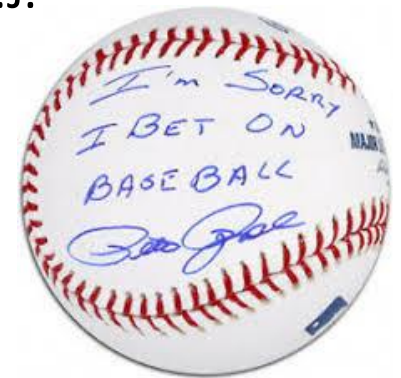
Provisions that potentially address game integrity

- Duty to report suspicious activities and betting anomalies that suggest match-fixing or access to inside information
- Examples:
 - New Jersey requires sportsbooks to report “any abnormal betting activity or patterns that may indicate a concern about the integrity of a sports event,” N.J. Stat. Ann. § 5:12A-11.
 - Washington, D.C. requires sports books to “[e]mploy a monitoring system utilizing software to identify irregularities in volume or odds and swings that could signal suspicious activities that should require further investigation, and immediately report to the [regulatory agency],” D.C. Code Ann. § 36-621.07.

3. State laws legalizing/regulating Sports Betting

Provisions that potentially address game integrity

- Prohibition on sports insiders betting on games in their sport
- Examples:
 - New Jersey prohibits wagering by “[a]ny person who is an athlete, coach, referee, or director of a sports governing body or any of its member teams ... in or on any sports event overseen by that person’s sports governing body,” N.J. Stat. Ann. § 5:12A-11f.(1).
 - Indiana prohibits wagering by a league, club or union employee; game official; coach; manager; athlete; or a “relative living in the same household of an individual [above] described,” Ind. Code Ann. § 4-38-9-3.



3. State laws legalizing/regulating Sports Betting

Provisions that potentially address game integrity

- Prohibition on wagering on college and youth sports
- Examples:
 - New York prohibits wagering on “any collegiate sport or athletic event that takes place in New York or a sport or athletic event in which any New York college team participates regardless of where the event takes place,” N.Y. Rac. Pari-Mut. Wag. & Breed. Law § 1367.
 - Illinois bars sportsbooks from accepting a “wager for a sports event involving an Illinois collegiate team” and “wagers on a kindergarten through 12th grade sports event., 230 Ill. Comp. Stat. Ann. 45/25-25.



3. State laws legalizing/regulating Sports Betting

Provisions that potentially address game integrity

- Capping wager amounts/requiring special registration
- Examples:
 - Mississippi requires bettor registration and identifying information for wagers over \$10,000.
 - Delaware, New York, and Rhode Island require bettors to be present in an authorized betting location.



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Thank you!

4. Gambling Policies of Sports Governing Bodies

Autonomy and Self-governance:

- Profit-oriented joint ventures
- Member clubs have binary relationship
 - sporting competitors
 - business partners
- Dis-integrated from youth levels of sport
- No Ministry of Sport
- No comprehensive sports regulation
- Ad hoc regulation (~~PASPA~~, SPARTA)
- Private dispute resolution

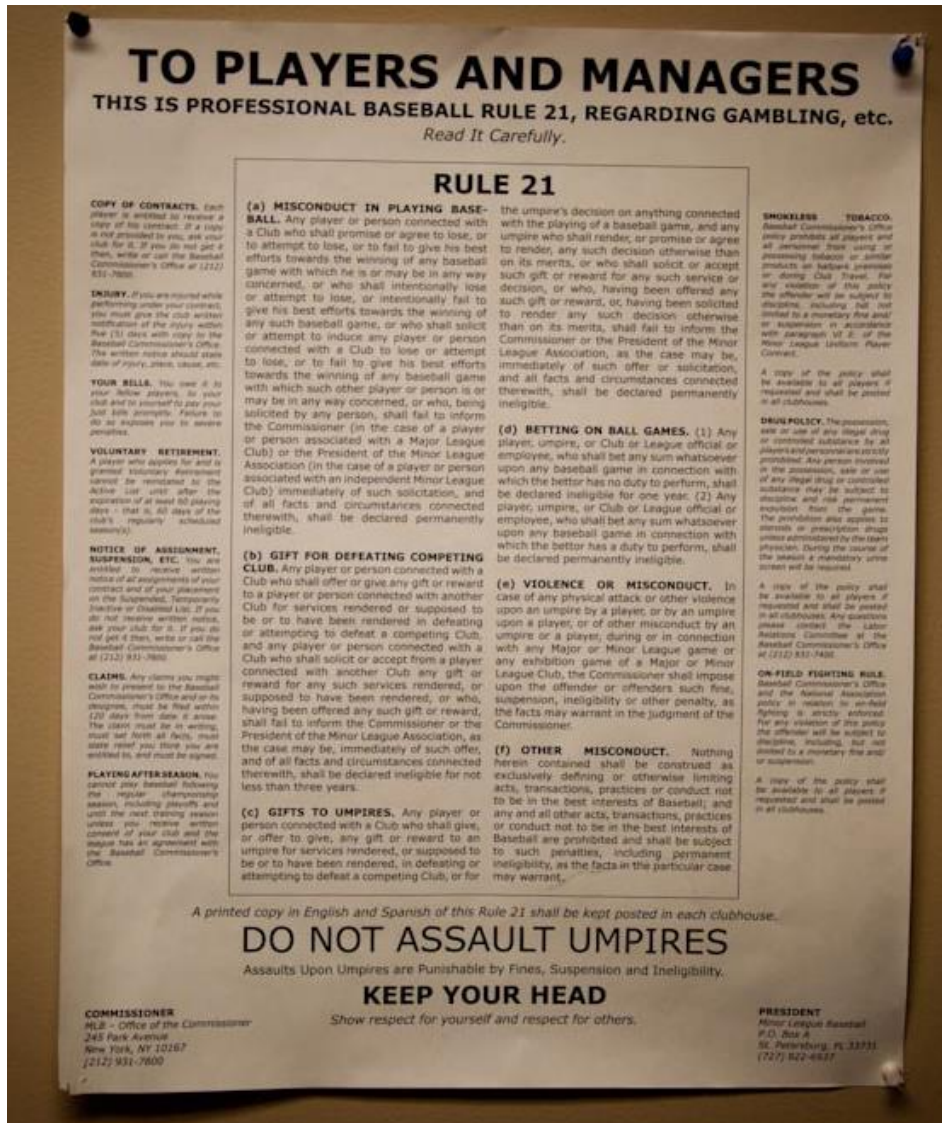


4. Gambling Policies: National Football League

- Gambling policy updated as of 2018 in anticipation of PASPA judicial repeal—most restrictive of professional leagues
- Applies to all league personnel:
 - Players, coaches, owners, game officials, team employees, consultants, stadium staff, etc.
- Includes a formal definition of “gambling”
- Broad restrictions on all sports betting
- Stay out of sportsbooks during the season
- No associations with gambling-related individuals and enterprises



4. Gambling Policies: Major League Baseball



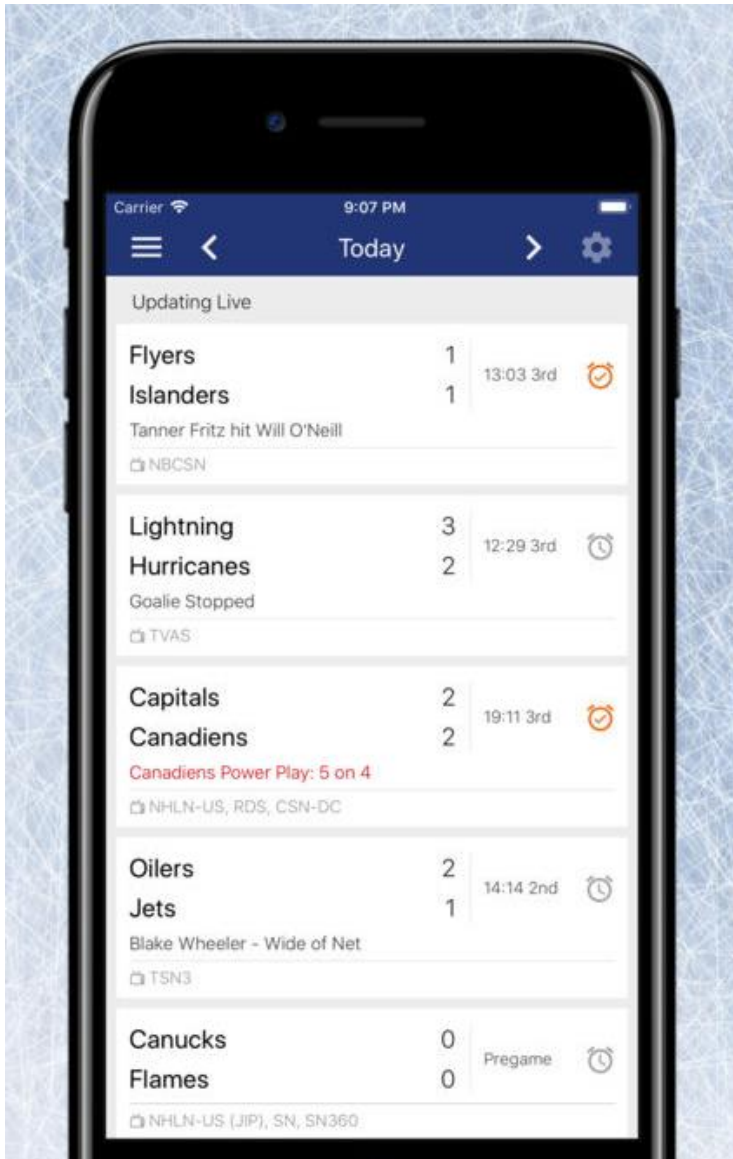
- Rule 21—Misconduct
 - on every locker room wall
 - No manipulation of competition
- No betting on baseball
 - Game where bettor has no duty to perform > **1 year suspension**
 - Game where bettor has duty to perform > **lifetime ban**
- No illegal betting

4. Gambling Policies: National Basketball Association

- Applies to all NBA, NBA affiliates, club employees, owners, players, officers, directors
- Identifies 3 categories of concern:
 1. BETTING:
 - No betting on NBA games/events
 - Okay to bet on other sports and at casinos
 - Except referees: during season no betting at all
 2. FIXING
 - No influencing or manipulating NBA game/event, no tanking
 3. TIPPING
 - No disclosing confidential information
- No association with casinos or gambling-related businesses



4. Gambling Policies: National Hockey League



- No comprehensive policy
- Piecemeal prohibitions located in:
 - Constitution & Bylaws
 - Collective Bargaining Agreement
- No betting on NHL games, but other legal gambling permitted
- “Best interests” authority generally prohibits:
 - Disclosing competitively sensitive information
 - Associating with disreputable individuals, enterprises

4. Gambling Policies: Major League Soccer



- No comprehensive policy
- Piecemeal prohibitions located in:
 - Constitution, in particular Commissioner’s “best interests” authority
 - Collective Bargaining Agreement
 - Substance Abuse and Behavioral Health Program and Policy
- No betting on MLS games, but other legal gambling permitted
- FIFA requirements
 - Need to bring CBA into compliance with prohibition against players holding ownership interest in gaming entity
 - Can learn from and build on FIFA member association experience with gambling integrity protections



4. Gambling Policies: Nat'l Collegiate Athletic Ass'n



- Strictest prohibitions against any type of gambling
 - NCAA Bylaw 10
 - No sports wagering on any sport by anyone
 - Student violation results in loss of scholarship, eligibility
- Policy Statement to be revised/reissued in 2019
- Renewed focus on issue of “tipping”
- Enhanced education/training of student-athletes
- Greater attention to selecting, training and monitoring officials



5. Best Practices for Game Integrity

U.S. Game Integrity Efforts to Date:

- Public-private partnership—still nascent
- Multilateral government cooperation—not being prioritized
- Sports governing bodies—beginning to understand that for the time being, they shoulder the risk management burden across 3 dimensions:
 1. Internal
 2. External
 3. Data



5. Best Practices—Internal (league/club)

Gatekeeping:

- Hiring—background checks, initial and ongoing disclosure requirements
- Limitations on use of third-party (non-employee) contractors in sensitive roles (e.g., athletic trainers)
- Limitations on personnel holding outside employment or running separate businesses (especially game officials)
- Facilities security—tighten credentialing, limit field/arena/locker room access by non-employees



5. Best Practices—Internal (league/club)

Regulatory:

- Clear consistent rules and policies
- Processes for gathering, storing, using sports gambling intelligence
- Communications protocols restricting dissemination of non-public, competitively sensitive information
- Work rules, e.g., banning association with individuals involved in gambling
- Hotline for incident reports/whistle-blower protections
- Protection of players/on-field personnel from online and other abuse from disappointed bettors



5. Best Practices—Internal (league/club)

Expertise and Enforcement:

- In-house sports gambling and game integrity expertise
- League-appointed Compliance Officer
- Explicit league authority re investigation and discipline
- Enforcement mechanisms clearly allocating responsibility for monitoring and responding to gambling incidents
- Consequences real and serious
- Action-ready, crisis communications team



5. Best Practices—Internal (league/club)

Education and Training:

- Mandatory gambling education, repeated on annual or bi-annual basis, and for every rookie transitioning into league
- Variety of contexts and formats: live presentations, video programs
- Non-league speakers: FBI agents, former professional gamblers, organized crime figures
- Promote understanding of the methods and tactics of corrupt actors
- Continual messaging: playbook memo, locker room displays



5. Best Practices—External (partners/vendors/fans)

- Diversify integrity resources and information sources
 - Third-party data monitoring/analytics agencies, sports betting operators
- Share information, e.g., with other sports leagues
- Cooperate with law enforcement and regulatory agencies
 - Make greater use of criminal law
 - Disrupt betting proactively where integrity breach suspected
- Transparency



5. Best Practices—Data


- Ideal: supply official live scoring data subject to contractual obligations re integrity
- Continuous assessment, analysis of betting markets
- Bring information together: game statistics, game footage,, historic records



5. Best Practices for Game Integrity

Future risks?

- Sports betting robots
- Sports betting exchanges
- Increased illegal gambling



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QUESTIONS?

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HANDBOOK ON PROTECTING SPORT FROM COMPETITION MANIPULATION

INTERPOL IOC INTEGRITY IN SPORT INITIATIVE





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Foreword by the President of the International Olympic Committee

Protecting the clean athletes is a key priority under Olympic Agenda 2020, the strategic roadmap for the future of the Olympic Movement. In essence, this means protecting the clean athletes from corrupting influences of any kind. This includes making the environment in which the athletes operate safe from match-fixing and other manipulation that threaten the integrity of sport.

Sport does not operate in isolation from other areas of society. Sport is global – therefore the threats that undermine the integrity of sport and athletes do not stop at national borders. To counter the global nature and scale of crime, the world of sport needs partners. Protecting the integrity of sport is a team effort and this is why our partnership with INTERPOL plays a key role in our global strategy to combat match-fixing, and any manipulation of competitions and related corruption.

As the world's largest law enforcement organization, INTERPOL brings a unique ability and expertise to protect the integrity of sport. This Handbook is a tangible result of our partnership. It provides stakeholders in the sports movement with important information on how to protect the clean athletes from competition manipulation, while also outlining ways how sports organisations and law enforcement agencies can cooperate effectively.

This Handbook complements other measures taken by the IOC and INTERPOL, such as training, education and capacity-building at national and international levels. All these measures are already having a positive impact in the fight to protect the integrity of sport. Standing together, we can ensure that sport is clean and safe.

Thomas Bach
IOC President

Foreword by the INTERPOL Secretary General

Competition manipulation has become an increasingly global concern, with organized criminal syndicates operating on a massive scale, targeting a wide range of sports. Despite member countries' efforts to respond to competition manipulation, it is clear that the solution lies through a coordinated approach. Partnership development is crucial in order to collect critical operational and strategic information to create a clearer picture of the situation across the globe. It is these partnerships which have shown the links between match-fixing, sports betting and organized crime.

This is why in addition to a range of initiatives to raise awareness and to facilitate the sharing of information, intelligence and best practices among our member countries, INTERPOL coordinates joint investigations and operations to dismantle the organized networks behind crimes in sport.

Our cooperation with the International Olympic Committee (IOC) is an example of a successful strategic partnership which is yielding positive results. This booklet, jointly developed by the IOC and INTERPOL, is part of our wider united efforts to enhance match-fixing training programmes, to assist prevention and to develop investigative skills.

This book is not only a guide for law enforcement officers seeking to tackle match-fixing cases, but it is also a useful tool for every sports club, association and federation to understand the dynamics of competition manipulation; and to learn how to put in place internal measures to prevent match-fixing and other corruption, as well as to protect the dignity of athletes. By expanding our common knowledge about this threat and how to counter it, this initiative seeks to protect all disciplines within the Olympic Movement, and the principles enshrined in it.

Together, we can succeed in protecting the value and ethics of sports.

Jürgen Stock
INTERPOL Secretary General

Preface

Competition manipulation poses a significant threat to the integrity of sport, both nationally and internationally. It removes the unpredictability of sport and jeopardises its very core values—its social, cultural and educational values—while at the same time undermining its economic role.

Criminal groups are profiting from the manipulation of sports competitions and unregulated gambling, which, as a relatively recent form of transnational crime, undoubtedly attracts the attention of the international community. Sports organisations are faced with an increasing number of competition manipulation incidents and allegations of corruption. The sums of money being bet on sport have increased markedly in recent years and the use of the internet has made it extremely easy to bet on sports competitions throughout the world. With large profits to be made and relatively little chance of detection, competition manipulation has become more and more attractive to criminals and organised crime groups.

In recent years, sports organisations have become more aware of this threat. International Olympic Committee (IOC) President Thomas Bach, like former President Jacques Rogge before him, identified the manipulation of sports competitions as one of the biggest challenges facing sport today, together with doping. He has underlined the need for concerted action in order to combat this global phenomenon and to protect clean athletes.

*The Olympic Movement is all about the clean athletes. They are our best ambassadors, they are our role-models, they are our treasure. Therefore we have first and foremost to protect the clean athletes. We have to protect them from doping, match-fixing, manipulation and corruption.*¹

¹ Agenda 2020 available at: www.olympic.org/Documents/Olympic_Agenda_2020/Olympic_Agenda_2020-20-20_Recommendations-ENG.pdf

Sports organisations must demonstrate leadership in protecting sport from competition manipulation. This starts at home and includes adopting organisational good governance principles emphasising transparency, accountability and responsibility relating to selection processes and tenure for senior officials, in all sponsorship arrangements and in procedures for awarding contracts of all types.

This Handbook has been prepared by the International Olympic Committee (IOC) and the International Criminal Police Organisation (INTERPOL) with whom the IOC signed an agreement in 2014. The partnership aims to support effective investigations of crimes related to sport and breaches of sports regulations and to specifically implement actions designed to Recognise, Resist and Report competition manipulation, enhance capacity at the national and international levels as well as to provide operational support to regulatory enforcement so as to effectively prevent and respond to integrity infringements.

This Handbook complements global Capacity Building and Training being undertaken by the IOC and INTERPOL that aims to assist sport in protecting clean athletes and clean competitions, particularly as they relate to competition manipulation. Tools for effective international cooperation regarding sports integrity already exist and have proven to be effective. It is now a matter of supporting their systematic use and making them a cornerstone of a common strategy. This Handbook should be read, understood and acted upon by all national and international sports governing bodies and their staff.

We must act now, and we must act fast.

Key Terms

There are a number of key terms associated with competition manipulation that are defined here for clarity in understanding and shared meaning.

Betting Monitoring Report

A detailed analysis of what happened in the betting market relating to a specific competition/match. It may be used to support/corroborate suspicions of competition manipulation. It can be used in evidence and employees from the monitoring systems may contribute to proceedings as expert witnesses.

Competition manipulation

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.²

Corruption

Corruption is any course of action or failure to act by individuals or organisations, public or private, in violation of law or trust for profit or gain.³ Competition manipulation is a form of corruption. It occurs when a person offers, promises or grants an unjustified advantage to a sports organisation, a player, an official or any other third party, within or outside the organisation, on behalf of him/herself or a third party in an attempt to incite them to violate the regulations of the organisation.

² Article 3.4, Council of Europe Convention on the Manipulation of Sports Competitions.

³ INTERPOL, INTERPOL Group of Experts on Corruption, Global Standards on Anti-Corruption, 2007.

Court of Arbitration for Sport (CAS)

Is an independent institution that provides services in order to facilitate the settlement of sports-related disputes through arbitration or mediation by means of procedural rules adapted to the specific needs of the sports world.

Disciplinary body

An independent deciding/judicial body provided for in a sport federation's regulations which is authorised to conduct proceedings into and sanction any breach of regulations. It comprises, in general, at least three members, including a chairperson. This body should be convened at such times as necessary, or as feasibly convenient, upon receipt of a report of potential competition manipulation.

Evidence

Evidence is information that is gathered in order to establish facts. Any type of evidence may be produced, such as but not limited to documents, reports from officials, declarations from parties, declarations from witnesses, audio and video recordings, expert opinions and all other proof that is relevant to the case.

Fact

A fact is something that actually happened and can be proven to have happened, or at least can be corroborated by other information. It is not an assumption, conjecture or innuendo. The facts are the key to determining the outcome of any case, dispute or contentious issue. They are directly linked to the specific regulation or code of conduct at issue.

Fact-finder

The individual responsible for conducting inquiries to establish the facts in relation to a suspicion or allegation of match manipulation and submitting the results in accordance with disciplinary procedure. All available evidence/information should be gathered to establish facts. Care should be taken to gather all facts relevant to the inquiry and not just facts that confirm the fact-finder's bias.⁴

Inside Information

Information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Competition.

Integrity Betting Intelligence System (IBIS)

The IOC's mechanism for the exchange of information between betting operators, regulators and the sports movement.

⁴ See further INTERPOL-IOC, 2016, Handbook on Conducting Fact-Finding Inquiries into Breaches of Sports Integrity.

Single Point of Contact (SPOC)

An individual designated by his/her sports federation/organisation to act on all matters related to competition manipulation. The primary responsibilities of a SPOC typically include:

- Establish and maintain integrity initiatives within the sports organisation;
- Receive information related to competition manipulation including from IBIS;
- Conduct inquiries as a ‘fact-finder’ or appoint a responsible individual;
- Serve as a contact person for the IOC and other entities;
- Conduct, by mandate, fact-finding inquiries for, or in close cooperation with the independent judicial body of the sports organisation;
- Liaise with relevant authorities such as police or law enforcement agencies.

Source

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 source: those who are free to provide this information or not as they see fit and those who are bound by sports organisations’ codes or regulations that stipulate that they must report and/or cooperate with the inquiry.

1

Understanding Competition Manipulation

1 What is Sports Integrity?

Sport's positive contribution to society can only be achieved through sport that is with integrity and ethics. Sport that is practised with integrity is played with honesty, according to the rules and provides a safe, fair, inclusive and well governed environment. Integrity in sport leads to enhanced participation, financial viability and a successful, positive brand that is judged by the media, athletes, spectators, fans, participants and the general public.

Breaches to sports integrity include the following:

- Competition manipulation;
- Winning beyond the rules of the game;
- Doping;
- Lack of safety in sport;
- Abuse and violence;
- Inequity and harassment;
- Anti-social behaviour and attitudes by parents, spectators, coaches and players;
- Weak governance that leads to unethical behaviour such as corruption and competition manipulation;
- Unsportsmanlike conduct;
- Criminal behaviour.

Breaches to sports integrity can have far-reaching repercussions including:

- Sports disciplinary proceedings;
- Criminal proceedings;
- Reputational damage;
- Fan and sponsor loss;
- Loss of broadcaster interest.

2 What is Competition Manipulation?

The manipulation of sports competitions is defined as:

“An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the aforementioned sports competition with a view to obtaining an undue advantage for oneself or for others.”⁵

In short, competition manipulation is the improper influencing of the course or result of a competition for an advantage. The term “match-fixing” is often used yet the term ‘match’ is not terminology used by all sports (e.g. marathon, cycling race, sailing regatta) and implies only that the result is fixed. The term “competition manipulation” includes influencing specific actions during the course of the competition and hence includes both ‘result fixing’ and ‘spot fixing’ which is the action or practice of dishonestly determining the outcome of a specific part of a competition before it is played. Both terms are used in this Handbook interchangeably. There are two principal types of competition manipulation:

⁵ Article 3.4, Council of Europe Convention on the Manipulation of Sports Competitions.

For sporting purposes

Where the manipulation is perpetrated to provide a sporting advantage, for example in league promotion/relegation or a perceived advantageous competition draw or any other sporting advantage;

For financial gain through betting

Where the manipulation is designed to pre-determine an event related to the competition that is expected to be offered on the betting markets (results, total goals scored etc.). This type of manipulation includes the risk of being used by professional criminals to launder money through sports bets.

As manipulation frequently takes place on the ‘field of play’, athletes and referees/officials are at particular risk of being approached to manipulate or to carry out the manipulation of a competition.

Non-Betting Related Factors and the Risks they Pose for Sport

Non-Betting Related Risks	Why is it a Risk?
Competition Format	Competitions that have limited importance with regards to whether participants win or lose e.g. at the end of a championship, competition without direct elimination; ‘friendly’ competitions; competitions of importance for only one of the participants; competitions with weak chances of success for one of the participants. Such competitions are at greater risk of being manipulated for betting purposes due to the limited sporting advantages linked to winning.
Athletes/officials character	A lack of confidence, low self-esteem, naivety or greed may make vulnerable athletes/officials more likely to be unable to refuse a corruptor’s approach (see 2.3 on page 22).
Financial insecurity including salaries not paid on time or not paid at all, very low salaries paid in some sports in lower divisions	Enhanced willingness and need to get money by any means, including immorally and illegally. Particularly low salaries can make athletes vulnerable to the temptation to manipulate. Payment of equitable salaries on time will help to minimise the risk.
Addictive actions (drugs, alcohol, prostitution, abuse, etc.)	The corruptor may threaten violence or ‘blackmail’ the athlete to get him to manipulate competitions.

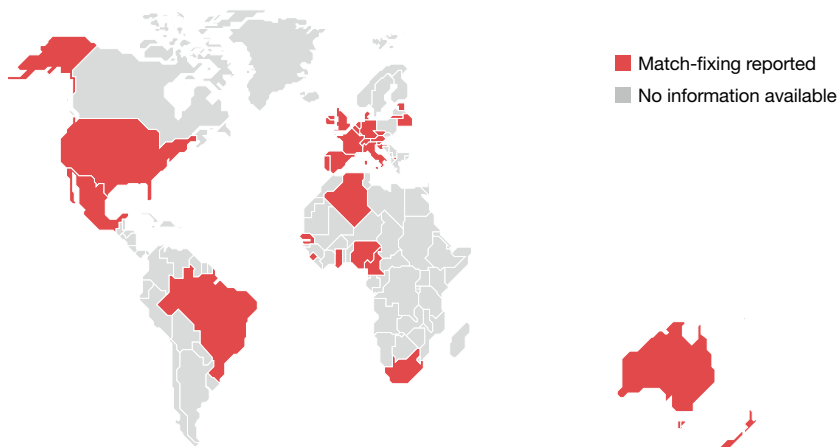
1 Understanding Competition Manipulation

2.1 Competition Manipulation Allegations

There is evidence of competition manipulation in many sports in recent times including badminton, basketball, cricket, cycling, football, handball, horse racing, snooker, tennis, volleyball and wrestling. All sports are vulnerable and those who take part in them – whether as players, officials, administrators or support personnel – need to be aware of the dangers of competition manipulation and encouraged to resist and report any suspicions.

In 2015, open source media reports revealed allegations of competition manipulation in 52 countries.⁶ However, the media only reports on what they are told by police, their sources or through their own investigative journalism. The risk is that where police are not present or are not aware of the problem, organised crime will continue its activities and infest sports and society.

Competition Manipulation Allegations 2015⁷



⁶ Based on English, French, Spanish and Polish speaking media sources. Source: INTERPOL, 2016.

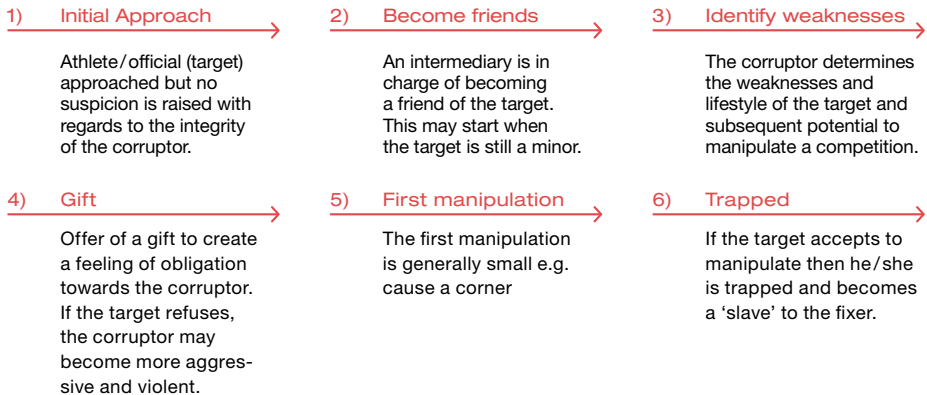
⁷ Ibid, INTERPOL, 2016.

2.2 Modus operandi in a competition manipulation case

How might a corruptor approach a target?

Corruptors tend to approach their targets either directly, through gifts, money, sexual favours; or indirectly, through family and friends. Many tricks are then used to convince the target to accept to manipulate, typically through ‘grooming’ of the target or using threats e.g. by exploiting some previous or a created issue, using violence or intimidation.

The ‘grooming’ of an athlete/official takes place over a period of time whereby typically the following steps are undertaken by a ‘corruptor’:



2.3 Factors that a corruptor may consider in the grooming of a sports participant

While the motivations to commit fraud and corruption are often due to financial need—perceived or real—and a personal appetite for wealth, other factors and weaknesses may include:

- Whether the salary of the athlete/official has been paid;
- Addiction (drugs, sex, alcohol);
- Excessive gambling and gambling debts;
- Bad sports results and lack of recognition and reward;
- Pressure, opportunity and rationalisation;
- Living beyond personal income and high personal debt;
- Desire for personal progression, greed, naivety of the target, unfulfilled ambition;
- Pressure from family and friends to succeed;
- ‘Fluid moral values’ and a desire to challenge and/or abuse the ‘system’.⁸

⁸ Albrecht, S.W., Howe, K.R., Rommey, M. 1984, *Deterring Fraud: The Internal Auditors’ Perspective*, Altamonte Springs, Institute of Auditors Research Foundation.

3 The Relationship between Crime and Sport

“There is growing evidence that sport is corrupted by match-fixing and illegal betting. These illegal activities jeopardise the integrity of the competitions, damage the social, educational and cultural values reflected by sports, and threaten the economic role of sports. The phenomenon of match-fixing brings to the surface its links to other criminal activities such as corruption, organised crime and money-laundering. Recent cases reveal the magnitude of the problem and indicate the dire need to address it through appropriate investigative and law enforcement tools. In fact, a criminal justice response against match-fixing would demonstrate that sporting manipulation is not a ‘simple’ breach of sporting rules, but also an offence against the public in a broader sense.”⁹

Why are criminals interested in sport?

- High profit and low risk;
- Anonymity;
- Exploitation of easy targets (naive sports people, absence of effective sport regulations and their implementation);
- Absence of consistent legislation and powers;
- Ineffective supervision and regulation of gambling;
- Criminal organisations (CO) have become transnational (TCO);
- Limited law enforcement experience;
- Internet has no borders meaning police investigations are difficult and allows TCOs to use all the possibilities of the financial markets and tax havens.

⁹ UNODC-IOC Report, July 2013, Criminalization approaches to combat match-fixing and illegal/irregular betting: a global perspective. Comparative Study on the Applicability of Criminal Law Provisions Concerning Match-Fixing and Illegal/Irregular Betting, Lausanne/Vienna, p. 16, available at: www.unodc.org/documents/corruption/Publications/2013/Criminalization_approaches_to_combat_match-fixing.pdf

Examples of Risks of Criminal Activities in Sport

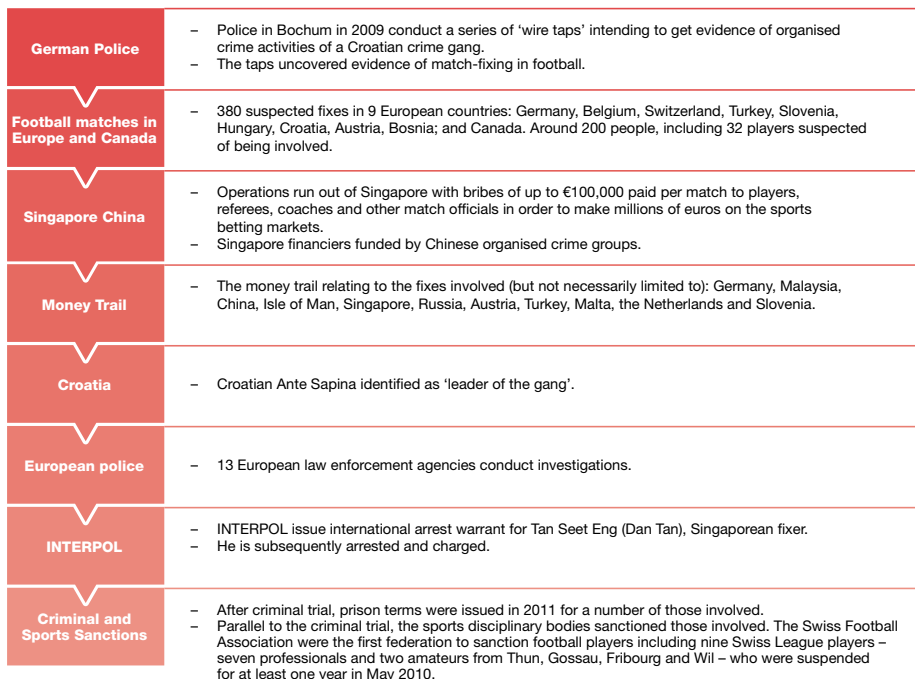
The following table identifies certain types of activities that criminals may enter into in order to capitalise on certain features of sports organisations and their stakeholders in order to benefit.

Criminal Activity	What is the Link with Sport?	How to Minimise the Risk?
Illegal betting and money laundering ¹⁰	<ul style="list-style-type: none"> – The internet has increased opportunities for sports betting and subsequently the opportunities for laundering dirty money. – To ensure they win a sports bet, organised crime approaches athletes/officials to manipulate competitions. – Athletes/officials are relatively easy to approach. – Large amounts of money are often paid across borders yet many sports organisations lack financial means which may encourage them to accept money from doubtful sources. – Players/officials may be badly advised and even susceptible to becoming engaged in doubtful financial transactions in order to preserve a certain image. 	<ul style="list-style-type: none"> – Strong sports governance and improved financial transparency; – Combat cyber-criminality; – Develop effective information sharing between organisations nationally (through national platforms) and internationally (through the IOC Integrity Betting Intelligence System [IBIS] and INTERPOL); – Consistent education and prevention programmes.
Fraud and Corruption	Fraud within sport is typically based on deception with the intention of obtaining an advantage at the expense of other individuals or organisations.	By ensuring clear regulation, jurisdiction and prosecution when the rules are broken.
Human trafficking and smuggling	Criminals lure young people to another country with promises of a better life for the victims.	<ul style="list-style-type: none"> – Regulation and monitoring of athlete transfers; – Education of children and their families of the risks.
Drug trafficking	For performance enhancing purposes and financial benefits.	Effective regulation and controls.

¹⁰ “Any act or attempted act to conceal or disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources”. Source: INTERPOL, available at: www.interpol.int/fr/Crime-areas/Financial-crime/Money-laundering

Functioning of the Bochum Competition Manipulation Scandal 2009 and its links with crime

In 2009, the German police in Bochum uncovered a massive match-fixing scheme involving hundreds of fixes in football matches across numerous European countries and Canada. The following diagram outlines the various actors involved in either uncovering the scheme or the scheme itself.



4 Understanding Sports Betting

Competition manipulation in sport is often related to betting. The nature and scale of betting on sports competitions has changed radically in recent years with a huge expansion in the range of betting opportunities. While this is a complex area, it is important for those involved in protecting sport from competition manipulation to have a basic understanding of sports betting in order to know how to respond to the threat that it poses to sports integrity.

“Sports betting” means any wagering of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition. In particular:

- a. “Illegal sports betting” means any sports betting activity whose type or operator is not allowed under the applicable law of the jurisdiction where the consumer is located.
- b. “Irregular sports betting” means any sports betting activity inconsistent with usual or anticipated patterns of the market in question or related to betting on a sports competition whose course has unusual characteristics.
- c. “Suspicious sports betting” means any sports betting activity which, according to reliable and consistent evidence, appears to be linked to a manipulation of the sports competition on which it is offered.¹¹

While betting is a major contributor to sport through sponsorship and public support, problems occur when betting leads to the manipulation of competitions.

¹¹ Article 3.5, Council of Europe Convention on the Manipulation of Sports Competitions.

As a result of technological advances and particularly the emergence and growth of the online gambling market, sports betting opportunities have increased dramatically, both in terms of the number of sport events and the number of betting markets available. This diversification of the sports betting offer has caused considerable concern amongst various stakeholders. It is often argued that some of these new betting options pose inherent threats to the integrity of sports events. Today, it is possible to:

- Bet on numerous actions: such as the half-time score, number of corners, number of red cards etc.
- Bet during a competition: live or in-play betting accounts for over 60 % of the betting market.

While 20 years ago sports betting was a recreational activity, today, sports betting is used by “professionals” including traders and criminals for money laundering. Athletes and officials in certain sports are already and will further become targets of criminals in order to manipulate a competition for betting purposes. Sports betting, and notably illegal online betting websites, has dramatically increased in recent years and is used as a mechanism for profit for organised crime.

4.1 Sports Betting Markets

The opportunities for sports betting exist in various forms including online, in shops etc. Each country has its own laws in relation to how sports betting is regulated and can be generally classified into:

- Prohibition (where sports betting is prohibited).
- Monopoly (where one betting operator has an exclusive right on all sports betting).
- Licences (where licences are issued by a betting regulator).

Sports Betting Regulatory Frameworks

1) Prohibition

Examples:

- USA
(except some states)
- India
- Russia (online)

2) Monopoly

Examples:

- China
- Hungary
- Switzerland

3) Licences

Examples:

- Belgium
- Italy
- Malta
- Russia (offline)
- UK

Distinction between licensed and unlicensed or non-regulated betting operators

A licensed or registered operator does not necessarily mean that the operator is legal in other jurisdictions.

1) Licensed Betting Operator	2) Unlicensed Betting Operators	3) Non-registered Betting Operators
<p>Operate with an authorisation in the jurisdiction of the consumer = LEGAL (approx. 200 operators)</p>	<p>ILLEGAL e.g. website registered in a country but not as a betting website</p>	<p>ILLEGAL e.g. street betting in China, US, or illegal shops in Italy</p>
<p>Operate without an explicit authorisation in one or many jurisdictions = MAY NOT BE LEGAL (approx. 1000 operators)</p>		

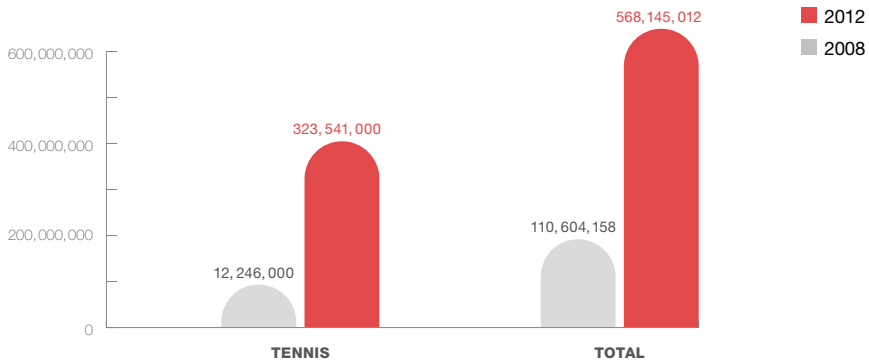
4.2 Size of the sports betting market

While it is difficult to estimate precisely the size of the sports betting market globally, the amounts bet on the legal market is in the \$billions annually. What is unknown, however, is the size of the unregulated/unlicensed/non-registered sports betting market, frequently referred to as the ‘illegal’ market. Often such betting is conducted on websites that appear for a short period prior to disappearing, or in a ‘black’ or underground market where cash changes hands meaning traceability is extremely difficult.

4.3 Size of Betting on the Olympic Games

While it is prohibited for athletes and their entourage to bet on any events during the Olympic Games, punters from around the world bet millions of dollars on the various competitions.

London Summer Olympic Games 2012 Comparison of Betting Turnover Comparison of Turnover 2008–2012 by Betfair tennis and total (US\$)



London Summer Olympic Games 2012 Sports Betting Volumes

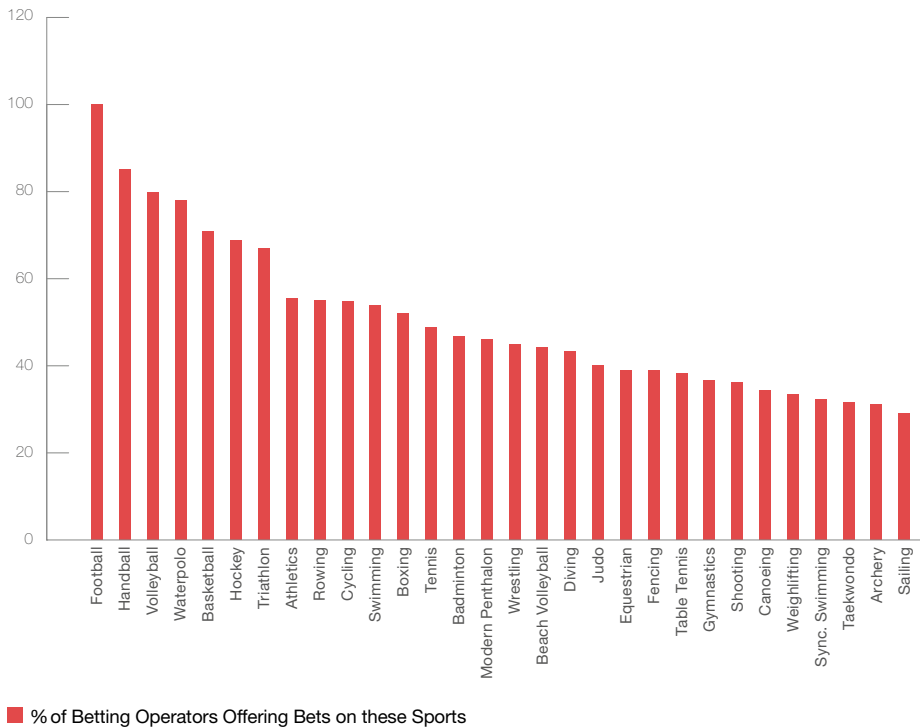
The following table illustrates the turnover at just one legal betting exchange, Betfair, the world's largest online betting exchange company, on a sample of events during the London Summer Olympic Games 2012.

Rank with regards to volumes bet	Sport, Event	Amount bet (US\$)
1	Tennis, Men's semi-final, Federer-Del Potro	30,856,095
5	Athletics, Men's 100m final	8,697,887
7	Football, Men's final, Mexico-Brazil	7,232,926
11	Basketball, Men's final, USA-Spain	3,484,248
12	Volleyball, Men's final, Russia-Brasil	3,000,821
15	Football, Women's final, USA-Japan	2,090,757
...	Average	398,947
Least	Wrestling, Women's freestyle 48 kg	161

London Summer Olympic Games 2012 Betting Offers

This table shows how many operators offered bets on a particular sport, i.e. 85 % of all betting operators monitored offered bets on Handball.

% of Betting Operators Offering Bets on a particular sport

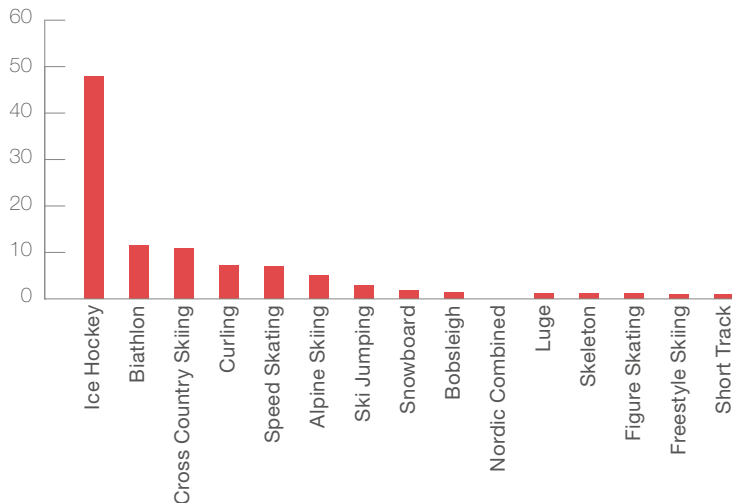


Sochi Winter Olympic Games 2014 Sports Betting Volumes

The following table illustrates the percentage of bets that were placed on different sports during the Sochi Winter Olympic Games 2014, i.e. 48.3% of all bets were placed on Ice Hockey. Outside of the Olympic Games period, there is limited betting that takes place on winter Olympic sports. Compared to the average World Cup event of the sport in question, betting on the Sochi Winter Olympic Games 2014 was larger by an approximate:

- Five times on Alpine Skiing;
- Four times on Biathlon;
- Seven times on Cross Country Skiing;
- Sixteen times on Ski Jumping;
- One and a half times on Ice Hockey.

% of bets placed on different sports during the Sochi Winter Olympic Games 2014



4.4 Types of Bets

There are two main types of sports betting:

Fixed-Odds betting

Whereby the bettor knows in advance how much they can win if their bet is correct. This type of betting accounts for approximately 90 % of the Gross Gaming Revenue (GGR)¹² of the legal sports betting market. Fixed odds betting is calculated by $\text{Winning} = \text{Stake} \times \text{Odds}$. The main countries are: United Kingdom, Hong Kong, Greece, Australia and Italy.

Pari-Mutuel Betting

Whereby the stakes are distributed equally among the winners and accounts for approximately 10 % of the Gross Gaming Revenue of the legal sports betting market. This type of betting is predominantly used in horseracing and in a limited number of countries including Japan, China, Spain, and Scandinavian countries.

However, in recent years, other variations of betting have emerged:

Betting exchanges

Whereby two people bet against each other on the internet with one playing the role of bookmaker and proposing a bet with fixed odds; the other player plays the role of punter and places a bet. The online betting operator who facilitates the exchange (e.g. Betfair, Matchbook) is paid according to the winner's earnings.

¹² Gross Gaming Revenue = total amount of money bet (Turnover) – Winnings = $\text{Turnover} \times (1 - \text{payout ratio})$.
The Payout Ratio = $\text{Winnings} / \text{Turnover}$.

Further types of betting include:

Asian Handicap

Gives one of the teams (by default the underdog) a virtual head start in terms of the number of goals in order to make the contest theoretically equal. The bet is settled by adding the handicap to the outcome of the match. This type of betting removes the option of a draw i.e. x in the 1 × 2 market.

Live-betting

Provides the possibility of betting in real-time during the course of a competition (also known as in-play betting or in-the-run betting). An estimated 60 % of bets placed on the legal market are live bets.

Spot or side bets

Betting on a specific aspect of a game, unrelated to the final result e.g. which player will score first, whether a penalty will be taken by a team etc.

Spread betting

Whereby the bet is placed on whether the outcome will be above or below the spread, e.g. the number of goals in a competition with pay-out based on the accuracy of the bet rather than a simple win or lose outcome. As the competition progresses and the goals increase, the prices change.

4.5 Types of Odds

Betting odds are presented globally in three different ways:¹³

Fractional Odds (or Traditional or British)

Used mainly in the UK and in international horse racing. It tells you the amount of profit relative to your stake if you win your bets, e.g. if you bet £10 at odds of 3/1, you receive £30 profit if you win, plus your £10 stake.

Decimal Odds (or European)

Common around the world but especially in Europe. They convey the total amount you will receive if you win, including the return of your stake, e.g. if you bet \$10 at odds of 3.75, you will receive \$37.50 in total if you win.

Moneyline Odds (or American)

Used by most US bookmakers, moneyline odds are based on a straight single bet (on a single outcome, without a points spread). If the moneyline is positive, the amount quoted is the amount you would win on a \$100 bet. If it is negative, the amount quoted is what you would need to bet to win \$100.

4.6 Betting Related Factors and Risks for Sport

A profitable competition manipulation presupposes that large bets can be placed without being detected. Criminal organisations therefore seek to exploit betting markets with high liquidity, where large profits can be made with low risks of being detected. For these reasons, some types of bets such as side bets are of limited interest to the fixers due to their relatively low liquidity.¹⁴

¹³ See also: www.oddsconverter.co.uk

¹⁴ See Asser Institute, Centre for European and International Law, January 2015, The Odds Of Match Fixing: Facts & Figures On The Integrity Risk Of Certain Sports Bets, available at: www.asser.nl/media/2422/the-odds-of-matchfixing-report2015.pdf

Betting Related Risks (1/2)

Betting Related Risks	Risk Assessment—Why is it a Risk?
Unregulated betting market	<ul style="list-style-type: none"> – Underground economy that reduces potential income for States and subsequently sports. – Increases chance of link between organised crime and sports. – Distrust in sport when a link between irregular betting market and sport becomes apparent. <p>Regulating bookmaking varies from strong to weak. Strong regulation may include:</p> <ul style="list-style-type: none"> – blocking of illegal sites, blocking of payments to those sites; – ban on advertising by companies that are not regulated in the region; – severe administrative and criminal sanctions against operators convicted of illegal betting or illegal advertising; – police action against illegal operators; – co-operation with financial institutions.
Anonymous betting with no betting limits	<ul style="list-style-type: none"> – Certain types of bookmaking where bets are collected and passed through a hierarchical structure (e.g. in Asia) allow bets to be placed anonymously with no betting limits. – Professional fixers predominantly place their bets with such bookmakers rather than with regulated bookmakers who restrict the stakes and disclose client details to law enforcement. – Minimising this risk may be undertaken by seeking to regulate operators to remove the possibility of making anonymous bets with no betting limits.

Betting Related Risks (2/2)

Betting Related Risks	Risk Assessment-Why is it a Risk?
Betting on certain types of competitions	<p>Competitions particularly vulnerable to manipulation include:</p> <ul style="list-style-type: none">– competitions where little is at stake in sporting terms (e.g. friendly matches) and competitions in lower leagues;– amateur competitions or competitions involving minors where the players may be more vulnerable to approaches.¹⁵ <p>Many bookmakers do not offer such bets. Minimising this risk may be undertaken by raising the awareness of sports betting operators that the offering of such bets may potentially hurt sport.</p>
Betting on the final outcome of a competition, in particular, the winning margin	<p>Almost all suspicious betting activity is detected in the most popular sports betting markets:¹⁶</p> <ul style="list-style-type: none">– Match Odds market (e.g. the traditional 1 × 2 betting formula in football);– Totals market;– Asian Handicap market: with a 50/50 chance of winning, there is an opportunity to launder money by betting on both sides. <p>In a recent study, 91 % of all suspicious betting patterns were detected in Asian Handicap betting.¹⁷</p> <p>In order to maximise profit, corruptors may attempt to ensure the manipulation of a competition that is based on a particular team losing or winning by a predefined (minimum) margin of goals. Many bookmakers limit stakes on such bets.</p>
Inside Information	<p>Corruptors may attempt to obtain 'inside information' from an athlete/ official as this information may subsequently be used in determining the success of a bet. The giving of inside information is prohibited by the Olympic Movement Code on the Prevention of the Manipulation of Competitions (art. 2.4).</p>

¹⁵ See Table: Non-Betting Related Factors and the Risks they Pose for Sport.

¹⁶ Ibid, Asser Institute, 2015, p. 33.

¹⁷ Ibid, Asser Institute, 2015, p. 30.

Betting Related Risks	Risk Assessment-Why is it a Risk?
Live Betting	<p>Although there is limited evidence to support the claim that live bets pose a specific or greater manipulation risk compared with pre-match betting,¹⁸ the following risk factors have been identified:</p> <ul style="list-style-type: none"> - Provides opportunities for spot-fixing as it is not necessary to lose a game; - Fixers can take advantage of the higher betting limits and variations in the odds to maximise profits; - Detection of suspicious betting patterns is more difficult compared with pre-match betting. <p>There is a particular risk of players/referees manipulating for their own benefit independently of any intervention from a criminal organisation.</p>
Side or spot bets	Apparently simple, non-dangerous plays that have no significant impact on the final result of the competition may be favourable to the fixers. ¹⁹
High rates of return e.g. close to 100 %	Greater interest for organised crime to launder money.
Sports betting havens	Attract crime and therefore require strong regulation.
Gambling related problems and addictions	Athletes and officials may be more vulnerable to approaches to manipulate a competition in order to pay off gambling debts. Early detection and treatment is required.

¹⁸ See Asser Institute, 2015, p. 32. See also, UK Gaming Commission, October 2011, "Betting integrity issues paper: inside information and fair and open betting", para. 3.40, available at: www.gamblingcommission.gov.uk/PDF/Betting%20integrity%20issues%20paper%20-%20inside%20information%20and%20fair%20and%20open%20betting%20-%20October%202011.pdf

¹⁹ See CAS 2011/A/2364 Salman Butt v International Cricket Council, relating to spot-fixing in cricket, where the odds of the exact sequence of events was estimated to be 512,000 to 1, available at: www.tas-cas.org/fileadmin/user_upload/Award2023642020FINAL.pdf. However, the claim that side bets pose significant match fixing risks lacks empirical support; *ibid*, Asser Institute, 2015, p. 33.

4.7 Gathering and Exchanging Intelligence

4.7.1 Types of betting monitoring

Sports betting is monitored by various types of systems including the following:

- Betting Monitoring/Fraud Detection Companies e.g. Early Warning System (EWS), SportRadar, Sport Integrity Monitor (SportIM);
- Betting Industry Monitoring e.g. Betting Operators systems, Global Lottery Monitoring System (GLMS), European Sports Security Association (ESSA).

4.7.2 Intelligence and Information Exchange Mechanisms

Information related to competition manipulation may come from a variety of sources including:

- Betting monitoring reports that are based on the monitoring of activities on the betting market;
- Referrals, reports or inquiries from other jurisdictions including from law enforcement, other sports organisations, the IOC, media, etc;
- Physical surveillance at competition venues for suspicious behaviour;
- Sports betting information exchange systems that traditionally consist of Memorandums of Understanding between the sports organisation and betting operators e.g. IOC Integrity Betting Intelligence System (IBIS) (see next page);
- Hotlines or other reporting mechanisms.

Centralisation of the collection of information and subsequent analysis and exchange with the appropriate authorities is vital for the protection of the integrity of sport.

All sports organisations are recommended to establish a mechanism for confidential reporting of suspicious approaches or activities related to competition manipulation. The IOC has established the IOC Integrity and Compliance Hotline available at: www.olympic.org/integrityhotline both for reporting on competition manipulation and other integrity matters.

4.8 The IOC's Integrity Betting Intelligence System (IBIS)

IBIS²⁰ was created in 2013 as an intelligence sharing IT platform to collate alerts and information through its established links with Single Points of Contact (SPOCs) from all 35 International Sports Federations on the Olympic Programme and major sports betting entities—private and public operators, operators associations and regulating bodies. IBIS ensures the monitoring of all the main international competitions of all Olympic sports, one non-Olympic sport²¹ and the Olympic Games. The aims of IBIS are:

- To safeguard sports from any negative influence connected to sports betting;
- To support International Sports Federations (IFs) and organisers of multisport events in the fight for clean athletes and clean competitions, by providing them with alerts and intelligence via a centralised mechanism for the exchange of information;
- To create a framework for transparency, confidentiality and trust between all stakeholders.

IBIS is a system of reciprocal responsibilities:

- Regulators and operators undertake to pass on all alerts and relevant information on potential manipulation connected to sports betting on the events chosen run by each IF;
- The IOC undertakes to aggregate and analyse the information received before passing it on to the IFs concerned;
- During the Olympic Games, the IOC is responsible for the application of rules and sanctions;
- In between editions of the Olympic Games, the IFs are responsible for deciding, pursuant to their own rules and regulations, how to deal with the information: investigation, analysis of the sporting aspect of the competition concerned and the application or non-application of measures and/or sanctions;

²⁰ For further information, see here: www.olympic.org/Documents/Reference_documents/Factsheets/Integrity_Betting_Intelligence_System_IBIS.pdf

²¹ Fédération Internationale d'Automobile (FIA).

- The IFs undertake to convey the results of their analysis and any action taken to the IOC, who may then pass the information on to the relevant stakeholders at the origin of the alert;
- In the event that an IF suspects one of its events has been jeopardised, the IF may ask IBIS for any information on the betting market.
Contact: integrityprotection@olympic.org

4.9 Betting Monitoring Reports for the Purpose of Preventing or Detecting Competition Manipulation

Access to Betting Monitoring Reports by the sports movement requires cooperation between the sports organisation and betting operators or betting regulators. Such cooperation may be in the form of a formal collaboration or through such entities as the IOC's Integrity Betting Intelligence System (IBIS).

Betting Monitoring Reports:

- Can provide a detailed analysis of what happened in the betting market relating to a specific competition/match that triggered an 'alert' by the Monitoring System. An alert may be triggered by factors such as abnormal volumes of bets placed against the favorite or abnormal volumes of money placed. Such alerts may trigger bookmakers to either partially or completely remove the betting offer on the match in question – either pre-match or live;²²
- May be used to support/corroborate suspicions of competition manipulation;
- May be used as evidence in sports disciplinary or criminal cases;
- Employees from the monitoring systems may contribute as expert witnesses.

²² Ibid, Asser Institute, 2015, p. 28.

The detection of betting irregularities prior to or during a competition may trigger the necessity for provisional measures to enhance the security, monitoring, observation and reporting of the match. This may involve measures such as informing the players and referees and other officials that suspicious betting activities have been detected, ensuring players and officials are aware of the opportunities to report that they have been approached (e.g. through a reporting mechanism such as a hotline). In serious circumstances, the sports organisation may consider the reassignment of referees or the provisional suspension of a player or official. Each sport should have a system in place to replace referees and other officials at late notice should it become known that a referee or official may be involved in a manipulation during an upcoming competition.

A betting related alert or Betting Monitoring Report may trigger the necessity to begin a Fact-Finding Inquiry by the sports organisation or an investigation by law enforcement.²³ The following steps should be considered by a sports organisation before beginning any inquiry:

- Whether suspicious betting was found by other betting operators;
- Whether the Betting Monitoring Report refers to suspicious betting on a specific event and whether that specific event appears to be potentially manipulated on the field of play (e.g. unexplainable behaviour on the field of play);
- Whether information can be obtained regarding the person who placed the bets (the sports organisation may have jurisdiction over that individual and such betting may be against the sports regulations even if manipulation has yet to be proven).

²³ See further, INTERPOL-IOC, 2016, *Handbook on Conducting Fact-Finding Inquiries into Breaches of Sports Integrity*.

2

Applicable Sports Regulations

To ensure that sport is protected from breaches to its integrity and that the autonomy of sport is preserved, all sports organisations require regulations that clearly detail violations, disciplinary procedures and repercussions for transgressions of those regulations.

The Olympic Movement Code on the Prevention of the Manipulation of Competitions²⁴ was approved by the IOC Executive Board in December 2015.²⁵ The Code aims to harmonise sports rules in relation to competition manipulation based on minimum standards; to harmonise definitions in line with the Council of Europe Convention on the Manipulation of Sports Competitions; and to establish minimum violations and minimum standards for disciplinary procedures in order to enable mutual recognition of sanctions. Any sports organisation bound by the Olympic Charter should respect the Code including the IOC, all International Federations, National Olympic Committees and their respective members at the Continental, Regional and National level and IOC recognised organisations.

²⁴ Available at: 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 related to the Code see: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/explanatory_note_on_code_on_the_prevention_of_the_manipulation_of_competitions_-_eng.pdf

²⁵ See: www.olympic.org/news/ioc-publishes-unprecedented-olympic-movement-code-for-preventing-competition-manipulation/247646

Model Rules have been developed to assist sports organisations in implementing the Code, either by incorporating the Code by reference, implementing regulations consistent with the Code, or implementing regulations more stringent than the Code.²⁶ The Code will be applied for the first time during the Rio Summer Olympic Games 2016.

1 Olympic Movement Code on the Prevention of the Manipulation of Competitions

Preamble

- a. Acknowledging the danger to sports integrity from the manipulation of sports competitions, all sports organisations, in particular the International Olympic Committee (IOC), all International Federations, National Olympic Committees and their respective members at the Continental, Regional and National level and IOC recognised organisations (hereinafter, 'sports Organisations'), restate their commitment to safeguarding the integrity of sport, including the protection of clean athletes and competitions as stated in Olympic Agenda 2020.
- b. Due to the complex nature of this threat, Sports Organisations recognise that they cannot tackle this threat alone, and hence cooperation with public authorities, in particular law enforcement and sports betting entities, is crucial.
- c. The purpose of this Code is to provide all Sports Organisations and their members with harmonised regulations to protect all competitions from the risk of manipulation. This Code establishes regulations that are in compliance with the Council of Europe Convention on the Manipulation of Sports Competitions,²⁷ in particular Article 7. This does not prevent Sports Organisations from having more stringent regulations in place.

²⁶ Model Rules to Assist Sports Organisations in Implementing the Olympic Movement Code on the Prevention of the Manipulation of Competitions, available at: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/model_rules_om_code_on_the_prevention_of_the_manipulation_of_competitions.pdf

²⁷ The Council of Europe Convention on the Manipulation of Sports Competitions is open for signatories from non-European states.

- d. In the framework of its jurisdiction as determined by Rule 2.8 of the Olympic Charter, the IOC establishes the present Olympic Movement Code on the Prevention of the Manipulation of Competitions, hereinafter the Code.

- e. Sports Organisations bound by the Olympic Charter and the IOC Code of Ethics declare their commitment to support the integrity of sport and fight against the manipulation of competitions by adhering to the standards set out in this Code and by requiring their members to do likewise. Sports Organisations are committed to take all appropriate steps within their powers to incorporate this Code by reference, or to implement regulations consistent with or more stringent than this Code.

Article 1 – Definitions²⁸

- 1.1** “Benefit” means the direct or indirect receipt or provision of money or the equivalent such as, but not limited to, bribes, gains, gifts and other advantages including, without limitation, winnings and/or potential winnings as a result of a wager; the foregoing shall not include official prize money, appearance fees or payments to be made under sponsorship or other contracts.
- 1.2** “Competition” means any sports competition, tournament, match or event, organised in accordance with the rules of a Sports Organisation or its affiliated organisations, or, where appropriate, in accordance with the rules of any other competent sports organisation.
- 1.3** “Inside Information” means information relating to any competition that a person possesses by virtue of his or her position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested members of the public or disclosed in accordance with the rules and regulations governing the relevant Competition.
- 1.4** “Participant” means any natural or legal person belonging to one of the following categories:
- a. “Athlete” means any person or group of persons, participating in sports competitions;
 - b. “Athlete support personnel” means any coach, trainer, manager, agent, team staff, team official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competitions, and all other persons working with the athletes;

²⁸ When definitions are provided by the Council of Europe Convention on the Manipulation of Sports Competitions, such definitions are used in this Code to minimise the risk of misinterpretation.

c. “Official” means any person who is the owner of, a shareholder in, an executive or a staff member of the entities which organise and/or promote sports competitions, as well as referees, jury members and any other accredited or engaged persons. The term also covers the executives and staff of the sports organisation, or where appropriate, other competent sports organisation or club that recognises the competition.

1.5 “Sports Betting, Bet or Betting” means any wager of a stake of monetary value in the expectation of a prize of monetary value, subject to a future and uncertain occurrence related to a sports competition.

Article 2 – Violations

The following conduct as defined in this Article constitutes a violation of this Code:

2.1 Betting

Betting in relation either:

- a. to a Competition in which the Participant is directly participating; or
- b. to the Participant’s sport; or
- c. to any event of a multisport Competition in which he/she is a participant.

2.2 Manipulation of sports competitions

An intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sports competition in order to remove all or part of the unpredictable nature of the sports competition with a view to obtaining an undue Benefit for oneself or for others.

2.3 Corrupt conduct

Providing, requesting, receiving, seeking, or accepting a Benefit related to the manipulation of a competition or any other form of corruption.

2.4 Inside information

1. Using Inside Information for the purposes of Betting, any form of manipulation of sports competitions or any other corrupt purposes whether by the Participant or via another person and/or entity.
2. Disclosing Inside Information to any person and/or entity, with or without Benefit, where the Participant knew or should have known that such disclosure might lead to the information being used for the purposes of Betting, any form of manipulation of competitions or any other corrupt purposes.
3. Giving and/or receiving a Benefit for the provision of Inside Information regardless of whether any Inside Information is actually provided.

2.5 Failure to report

1. Failing to report to the Sports Organisation concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any approaches or invitations received by the Participant to engage in conduct or incidents that could amount to a violation of this Code.
2. Failing to report to the Sports Organisation concerned or a relevant disclosure/reporting mechanism or authority, at the first available opportunity, full details of any incident, fact or matter that comes to the attention of the Participant (or of which they ought to have been reasonably aware) including approaches or invitations that have been received by another Participant to engage in conduct that could amount to a violation of this Code.

2.6 Failure to cooperate

1. Failing to cooperate with any investigation carried out by the Sports Organisation in relation to a possible breach of this Code, including, without limitation, failing to provide accurately, completely and without undue delay any information and/or documentation and/or access or assistance requested by the competent Sports Organisation as part of such investigation.
2. Obstructing or delaying any investigation that may be carried out by the Sports Organisation in relation to a possible violation of this Code, including without limitation concealing, tampering with or destroying any documentation or other information that may be relevant to the investigation.

2.7 Application of Articles 2.1 to 2.6

1. For the determination of whether a violation has been committed, the following are not relevant:
 - a. Whether or not the Participant is participating in the Competition concerned;
 - b. Whether or not the outcome of the Competition on which the Bet was made or intended to be made;
 - c. Whether or not any Benefit or other consideration was actually given or received;
 - d. The nature or outcome of the Bet;
 - e. Whether or not the Participant's effort or performance in the Competition concerned were (or could be expected to be) affected by the acts or omission in question;
 - f. Whether or not the result of the Competition concerned was (or could be expected to be) affected by the acts or omission in question;
 - g. Whether or not the manipulation included a violation of a technical rule of the respective Sports Organisation
 - h. Whether or not the competition was attended by the competent national or international representative of the Sports Organisation.

2. Any form of aid, abetment or attempt by a Participant that could culminate in a violation of this Code shall be treated as if a violation had been committed, whether or not such an act in fact resulted in a violation and/or whether that violation was committed deliberately or negligently.

Article 3 – Disciplinary Procedures

The contents of this Article are minimum standards which must be respected by all Sports Organisations.

3.1 Investigations

1. The Participant who is alleged to have committed a violation of this Code must be informed of the alleged violations that have been committed, details of the alleged acts and/or omissions, and the range of possible sanctions.
2. Upon request by the competent Sports Organisation, the concerned Participant must provide any information which the Organisation considers may be relevant to investigate the alleged violation, including records relating to the alleged violation (such as betting account numbers and information, itemised telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices), and/or a statement setting out the relevant facts and circumstances around the alleged violation.

3.2 Rights of the concerned person

In all procedures linked to violations of the present Code, the following rights must be respected:

1. The right to be informed of the charges; and
2. The right to a fair, timely and impartial hearing either by appearing personally in front of the competent Sports Organisation and/or submitting a defence in writing; and
3. The right to be accompanied and/or represented.

3.3 Burden and standard of proof

The Sports Organisation shall have the burden of establishing that a violation has been committed. The standard of proof in all matters under this Code shall be the balance of probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of this Code has occurred.

3.4 Confidentiality

The principle of confidentiality must be strictly respected by the Sports Organisation during all the procedure; information should only be exchanged with entities on a need to know basis. Confidentiality must also be strictly respected by any person concerned by the procedure until there is public disclosure of the case.

3.5 Anonymity of the person making a report

Anonymous reporting must be facilitated.

3.6 Appeals

1. The Sports Organisation shall have an appropriate appeal framework within their organisation or recourse to an external arbitration mechanism (such as a court of arbitration).
2. The general procedure of the appeal framework shall include provisions such as, but not limited to, the time limit for filing an appeal and the notification procedure for the appeal.

Article 4 – Provisional Measures

4.1 The Sports Organisation may impose provisional measures, including a provisional suspension, on the participant where there is a particular risk to the reputation of the sport, while ensuring respect for Articles 3.1 to 3.4 of this Code.

4.2 Where a provisional measure is imposed, this shall be taken into consideration in the determination of any sanction which may ultimately be imposed.

Article 5 – Sanctions

- 5.1** Where it is determined that a violation has been committed, the competent Sports Organisation shall impose an appropriate sanction upon the Participant from the range of permissible sanctions, which may range from a minimum of a warning to a maximum of life ban.
- 5.2** When determining the appropriate sanctions applicable, the Sports Organisation shall take into consideration all aggravating and mitigating circumstances and shall detail the effect of such circumstances on the final sanction in the written decision.
- 5.3** Substantial assistance provided by a Participant that results in the discovery or establishment of an offence by another Participant may reduce any sanction applied under this Code.

Article 6 – Mutual recognition

- 6.1** Subject to the right of appeal, any decision in compliance with this Code by a Sporting Organisations must be recognised and respected by all other Sporting Organisations.
- 6.2** All Sporting Organisations must recognise and respect the decision(s) made by any other sporting body or court of competent jurisdiction which is not a Sporting Organisation as defined under this Code.

Article 7 – Implementation

- 7.1** Pursuant to Rule 1.4 of the Olympic Charter, all Sports Organisations bound by the Olympic Charter agree to respect this Code.²⁹
- 7.2** These Sports Organisations are responsible for the implementation of the present Code within their own jurisdiction, including educational measures.
- 7.3** Any amendment to this Code must be approved by the IOC Executive Board following an appropriate consultation process and all Sports Organisations will be informed.³⁰

²⁹ This Code was approved by the IOC Executive Board on 8 December 2015.

³⁰ For all information concerning this Code, contact IOC Ethics and Compliance.

2 Jurisdiction

The global nature of sport and competition manipulation and the potential of the breach of the regulations being also a criminal matter presents a challenge in terms of areas of responsibilities, jurisdiction and coordinated fact-finding/disciplinary and criminal proceedings. Usually, the sports regulations applied to a competition are that of the federation or organisation responsible for the competition. In general terms, the jurisdiction rests with the place where the crime or breach takes place. However, competition manipulation generally involves athletes competing internationally, money flowing across borders, online websites and organised crime.

Certain principles of jurisdiction should therefore be considered when determining which sports organisation has jurisdiction including:

- whether the athlete or official competes internationally and which regulations are to apply (e.g. those of the international and/or national federation, games organising committee etc.). During the Olympic Games period, the IOC Regulations apply for wrongdoing committed during the Olympic Games period. However, once the Games are over, the regulations of the International Sports Federation or National Federation or National Olympic Committee apply which may mean an additional sanction is applied;
- whether the sports organisation has stipulated in their regulations that they remain competent to sanction players and officials who breached the regulations at the time they were officially affiliated with the sports organisation, even if they have since transferred to another jurisdiction. In most international federation's rules, specific regulations outline the requirements of mutual recognition by national federations of sanctions imposed by the international federation.

3 Coordination and cooperation between sports disciplinary and criminal investigatory proceedings

In a number of jurisdictions, competition manipulation may be considered a criminal offence either as an offence in itself or under the crimes of corruption, fraud, bribery, organised crime, money-laundering etc. (see further below under Legislation). For that reason, a sports disciplinary proceeding and criminal investigation may be happening simultaneously.

Traditionally, the principle of sports autonomy has meant that the world of sports and law enforcement have seldom cooperated. However, sport cannot deal alone with the criminal threat posed by competition manipulation and requires police support, particularly with regards to obtaining the evidence in order to sanction an individual under their jurisdiction.

Coordination between a sports fact-finding inquiry and a criminal investigation is in the interest of both law enforcement agencies and sports organisations in order to protect sport's integrity, given the significant positive impact and role of sport within society. It is also in their mutual interest to facilitate law enforcement investigations into the criminal networks behind competition manipulation to prevent further cases. As such, it is important that both the law enforcement investigation and the fact-finding inquiry by sport are coordinated to ensure that neither is negatively impacted by the activity of the other. Recognition of the distinctions between the two proceedings assists in ensuring cooperation, continued respect for the autonomy of sport and the independence of the police.

Factors that influence the level of coordination between sport and law enforcement may include:

- Potential links to organised crime networks;
- Scale of the allegations;
- Necessity of covert investigation;
- Reputational risk and potential impact of inaction;
- Long investigation process.

Coordination of this type requires a partnership approach between sports organisations and law enforcement agencies to work together to tackle competition manipulation. Both entities are in a position to contribute significantly to each other's core aims, provided that there is mutual recognition and respect. Some of the challenges to information-sharing and collaboration may include:

- Not having regulations that enable the conducting of an inquiry;
- Not having regulations that enable information/cooperation to be demanded;
- Identifying the relevant partners;
- Managing and sharing information with partners;
- Time frame for obtaining information;
- Differences in data protection issues across jurisdictions and organisations.

Distinctions between Sports Disciplinary Proceedings and Criminal Proceedings (1/3)

Sports Disciplinary Proceedings

Criminal Proceedings

Proceedings may be complementary yet decisions may differ.

Both proceedings require fair and efficient justice, carried out promptly, proportionately and in a transparent manner.

International vs. National Level

Disciplinary proceedings may be conducted at an international level by an international sports federation or multi-sport event organiser e.g. the Olympic Games or nationally by a national sports federation or organisation e.g. national championships.

Crime is always considered nationally, i.e. according to the national law. Due to the fact that competition manipulation is frequently conducted across borders, international collaboration in relation to the investigation will be required.

Definition of misconduct

Disciplinary misconduct by an athlete may not be a criminal offence. Some rules and laws will be similar and some not, e.g. the passing on of inside information is against sports rules³¹ but generally not against the law. Participating in competition manipulation may be against both the regulations and the law.

Criminal misconduct by an athlete is a disciplinary offence (in general). The focus of a criminal investigation will most often be broader than a sports disciplinary case as the primary focus should be targeting the criminals organising the manipulation and pursuing criminal networks and financial transactions.

Time and Resources

Although thorough Fact-Finding Inquiries are time and resource intensive, sports disciplinary proceedings are generally more time efficient due to the lower standard of proof required (see next page).

Criminal investigations are generally very time-consuming and resource intensive, particularly when they are transnational in nature.

³¹ See Art. 2.4 of the Olympic Movement Code on the Prevention of the Manipulation of Competitions.

Distinctions between Sports Disciplinary Proceedings and Criminal Proceedings (2/3)

Jurisdiction

Sports disciplinary law can only be applied if there is a legal relationship between the subject and the sports organisation e.g. members, persons involved in the sports organisation etc. The organisation of competition manipulation by someone outside the sports family may be against the law, but this person may not be subject to any action by the disciplinary system.

'Nulla poena sine lege' (no penalty without law) prohibits the enforcement of sanctions not explicitly provided for in texts. As such, it can be seen that there are some parts of manipulation that are wholly within sport's jurisdiction, some parts that are wholly within the law enforcement agency's jurisdiction and some parts that may be mutually of interest to both law enforcement and a fact-finding inquiry.

Sports Fact-Finding Inquiry vs. Police Investigation

Each sports organisation should establish Fact-Finding Procedures for the management of allegations or suspicions of competition manipulation including the identification of a fact-finder appointed to initiate and to undertake an inquiry on behalf of the sports organisation.³² Such an individual would have the role of:

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

Investigations of a breach may be conducted in conjunction with relevant competent national or international authorities (including criminal, administrative, professional and/or judicial authorities).

The sports organisation may decide to pause its own investigation pending the outcome of investigations conducted by other competent authorities.

It is recommended that Fact-Finders liaise with police to prevent the disruption of criminal investigations, while ensuring that a disciplinary proceeding is maintained.

Police Investigative Procedures should determine the procedures for investigating competition manipulation recognising that such cases are frequently complex investigations into financial fraud, money laundering, organised crime etc.

Each national police force should identify an individual or team of 'sports investigators' who will be trained to conduct such investigations.

Given that most competition manipulation cases are multi-jurisdictional, it is recommended that relevant and appropriate information is shared with the INTERPOL Match-Fixing Task Force in order to enhance greater understanding of modus operandi etc.

Police may be willing to 'second' an investigator to the sports body in order to assist in the fact-finding inquiry. This may be of particular use for those sports who do not have the capacity to investigate competition manipulation.

³² See further, the INTERPOL-IOC, 2016, Handbook on Conducting Fact-Finding Inquiries into Breaches of Sports Integrity that outlines detailed roles and responsibilities of the Fact-Finders.

Aims

A Fact-Finding Inquiry by a sports organisation aims to establish if evidence exists that a breach of the regulations has occurred.

A criminal investigation aims to establish if evidence exists that a national criminal law has been broken, where there is a realistic prospect of conviction and public interest requires a prosecution.

Evidence

All evidence may be admissible including any useful, relevant evidence and facts that have been established by any reliable means, such as betting account numbers and information, itemised telephone bills, bank statements, internet service records, computers, hard drives and other electronic information storage devices so long as they are obtained within certain parameters (e.g. respect of human dignity and safety, natural justice).

A Betting Monitoring Report can and should be used as evidence in disciplinary proceedings and monitoring system employees may be involved as expert witnesses.

Special investigative techniques may be used to obtain evidence so long as they are in accordance with national law and procedures, respect human rights and the general principle of proportionality e.g. seizing of material, electronic and covert surveillance, cameras, monitoring of bank accounts, controlled deliveries, monitoring of bank accounts and other financial investigations, fictitious business operations etc.

However, certain evidence may be non-admissible in court with protocols required to determine the parameters of admissibility.

Exchange of Information

Protocols for the Exchange of Information between sport and law enforcement should be established either formally or informally (see next page for an Example of a Protocol). Where there is a suspicion that a criminal act has taken place, or there is a perceived risk to the safety of someone as a result of a fact-finding inquiry, the sports organisation should report to the relevant national law enforcement agency. It is good practice to identify in advance the responsible agency and a single point of contact within that agency so that a cooperative, coordinated working relationship can be established.

Distinctions between Sports Disciplinary Proceedings and Criminal Proceedings (3/3)

Burden of proof

Burden of proof: should be on the sports organisation rather than the accused to prove that a violation has occurred. But some circumstances may presume there is an offence unless the accused disproves it.

Will depend on the national law.

Standard of Proof

Standard of Proof: Balance of Probabilities, a standard that implies that on the preponderance of the evidence it is more likely than not that a breach of the regulations has occurred.³³

Beyond reasonable doubt is the standard mostly used in criminal law. It is quite possible that insufficient evidence exists to prove, beyond reasonable doubt, that a criminal law was broken, particularly where the law being applied was not specifically written to target sports corruption. However, there may be sufficient evidence to allow the disciplinary body to make a determination on the balance of probabilities that a breach of the regulations occurred.

Provisional measures

Provisional measures may be necessary to preserve the reputation of a sport.

Depending on national law, an interim order may be imposed, which can be either a temporary restraining order or a temporary directive order.

Sanctions vs. Sentences

Sanctions may include a warning, fine, suspension, ban or other order. Often the sports sanction may be a more effective punishment and may act as a strong deterrent against misbehaviour.

Sentences may include a fine, community order, prison or other order.

³³ Art. 3.3 Olympic Movement Code on the Prevention of the Manipulation of Competitions.

Example of a Protocol for the Appropriate Handling of Competition Manipulation Cases by a National Sports Organisation and National Law Enforcement

<p>Sport and Police</p>	<ul style="list-style-type: none"> - Establishment of a protocol between a national sports organisation and national law enforcement that: <ul style="list-style-type: none"> · states the roles and responsibilities of sport and police in dealing with matters under concurrent jurisdiction; · determines the factors that may trigger a sports disciplinary inquiry or criminal investigation; · encourages trust and collaboration between sport and police; · facilitates prompt resolution of all cases in a consistent way; · clarifies the exchange of information between sport and police.
<p>Sports Organisation</p>	<ul style="list-style-type: none"> - Identification of integrity officer/SPOC within the sports organisation who will receive suspicious alerts from IBIS, Betting Monitoring Systems, National Platform and/or other sources; - Determine if the risk of manipulation is such that preemptive steps are to be taken and collaborate with disciplinary body in determining such steps (e.g. provisional suspension); - Determine if information may be relevant to police and if so, send information to the national police; - Commence Fact-Finding Inquiry (this may be a different individual than the organisation's SPOC). If evidence may assist the criminal procedure, consent from witnesses should be obtained at the beginning of the process in order to send witness statements and other evidence to police.
<p>National Police</p>	<ul style="list-style-type: none"> - Identification of responsible individual/s within national law enforcement with the following responsibilities: <ul style="list-style-type: none"> · Determine if information received potentially breaches law and warrants the opening of a Criminal Procedure; · Determine if information may be of interest to other national police and transfer the information either directly to the national police or through the INTERPOL National Central Bureaus (NCBs) to the INTERPOL Match-fixing Task Force; · Consult with the sports organisation to determine if it is sufficient that the matter is dealt with by the relevant sports organisation and not by police; - If there is to be a criminal investigation, consult with the sports organisation to determine whether and to what extent the sports organisation should suspend its own inquiry, if at all. Any decision to suspend a sports inquiry should be regularly reviewed in light of the progress of the criminal investigation; - Commence Criminal Investigation. If evidence may assist the sports disciplinary procedure, consent from witnesses should be obtained at the beginning of the process in order to send witness statements and other evidence to the sports organisation.
<p>INTERPOL or regional law enforcement organisations</p>	<ul style="list-style-type: none"> - During or following the investigation, information and evidence received by the sports organisation or law enforcement may be determined relevant to other jurisdictions and should be subsequently sent through the INTERPOL NCBs to the INTERPOL Match-Fixing Task Force or regional law enforcement body; - If a Regional Law Enforcement body received the information, it should determine if it falls within its mandate (e.g. if Europol receives the information, it can only act if a minimum of 2 Europol member states are concerned); - Analyses the information received to assess if touches other crime issues (e.g. money laundering); - Sends compiled Intelligence Package to concerned Member States INTERPOL NCBs.

3

Applicable State Legislation

Sports organisations need to appreciate that they, generally:

- Do not have jurisdiction over non-participants (i.e. organised crime);
- Have inadequate powers to obtain evidence;
- Have a lack of powers to enable the protection of whistle-blowers;³⁴
- Have a lack of expertise and resources to investigate competition manipulation which may link to complex investigations into corruption, fraud, bribery, organised crime, money-laundering, etc.

Therefore, it is useful to understand the international and national legislative frameworks that may provide a framework to support your organisation in its efforts to prevent competition manipulation.

³⁴ Ibid, UNODC-IOC Report, July 2013, p. 16.

1 International instruments

1.1 United Nations Convention against Corruption

The only international, legally binding instrument for tackling corruption is the United Nations Convention against Corruption (UNCAC).³⁵ It has 178 states parties (as of March 2016). Countries are required to establish criminal and other offences to cover a wide range of acts of corruption including domestic and foreign bribery, embezzlement, trading in influence and money laundering. In November 2015, the Conference of the States Parties to UNCAC adopted the following resolution:

“Recognizes the importance of protecting integrity in sports by promoting good governance in sports and mitigating the risk of corruption that sports face globally, requests the Secretariat to continue, in cooperation with relevant international organizations, partners and donors, to develop studies, training materials, guides and tools for Governments and sports organizations to enable them to further strengthen measures in this area, and acknowledges the work that has already been done by the United Nations Office on Drugs and Crime in this regard, in particular the development of studies and guides with the International Olympic Committee.”³⁶

1.2 United Nations Convention against Transnational Organised Crime

The United Nations Convention against Transnational Organised Crime (UNTOC)³⁷ aims to promote cross-border cooperation in tackling organised crime and has 185 parties (as of March 2016). In Article 2(a) of the Convention, an ‘organised criminal group’ is defined as:

- A group of three or more persons that was not randomly formed.
- Existing for a period of time.

³⁵ Available at: www.unodc.org/unodc/en/treaties/CAC/index.html

³⁶ www.unodc.org/documents/treaties/UNCAC/COSP/session6/DraftResolutions/V1507740e.pdf

- Acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration.
- In order to obtain, directly or indirectly, a financial or other material benefit.

1.3 Council of Europe Convention on the Manipulation of Sports Competitions

The Council of Europe Convention on the Manipulation of Sports Competitions³⁸ opened for signature on the 18 September 2014 in Magglingen, Switzerland (CETS 215). The Convention aims to prevent, detect and punish the manipulation of sports competitions and is open for signature and ratification by European and non-European States.

Article 14 of the Convention calls for the creation of a national platform addressing the manipulation of sports competitions, which shall:

- Serve as an information hub, collecting and disseminating information that is relevant to the fight against manipulation of sports competitions to the relevant organisations and authorities.*
- Co-ordinate the fight against the manipulation of sports competitions.*
- Receive, centralise and analyse information on irregular and suspicious bets placed on sports competitions taking place on the territory of the Party and, where appropriate, issue alerts.*
- Transmit information on possible infringements of laws or sports regulations referred to in this Convention to public authorities or to sports organisations and /or sports betting operators.*
- Co-operate with all organisations and relevant authorities.*

³⁷ Available at: www.unodc.org/unodc/en/treaties/CTOC/index.html

³⁸ Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016801cd d7e>

A number of countries have subsequently created National Platforms including Norway, the first country to have ratified the Convention. The Norwegian Gaming and Foundation Authority is responsible for establishing and running the national platform with the Ministry of Culture providing the annual funding. The Platform which commenced activities in 2016 serves as an information center, collecting, analysing and disseminating information as well as making risk assessments to facilitate targeted preventive measures by sport, betting operators and public authorities in Norway.

Particular articles within the Convention of relevance for sports organisations include the following:

Article 7 – Sports organisations and competition organisers

1 Each Party shall encourage sports organisations and competition organisers to adopt and implement rules to combat the manipulation of sports competitions as well as principles of good governance, related, inter alia to:

a. Prevention of conflicts of interest, including:

- Prohibiting competition stakeholders from betting on sports competitions in which they are involved.*
- Prohibiting the misuse or dissemination of inside information.*

b. Compliance by sports organisations and their affiliated members with all their contractual or other obligations.

c. The requirement for competition stakeholders to report immediately any suspicious activity, incident, incentive or approach which could be considered an infringement of the rules against the manipulation of sports competitions.

2 Each Party shall encourage sports organisations to adopt and implement the appropriate measures in order to ensure:

a. Enhanced and effective monitoring of the course of sports competitions exposed to the risks of manipulation;

b. Arrangements to report without delay instances of suspicious activity linked to the manipulation of sports competitions to the relevant public authorities or national platform;

- c. Effective mechanisms to facilitate the disclosure of any information concerning potential or actual cases of manipulation of sports competitions, including adequate protection for whistle blowers;*
- d. Awareness among competition stakeholders including young athletes of the risk of manipulation of sports competitions and the efforts to combat it, through education, training and the dissemination of information;*
- e. The appointment of relevant officials for a sports competition, in particular judges and referees, at the latest possible stage.*

3 *Each Party shall encourage its sports organisations, and through them the international sports organisations to apply specific, effective, proportionate and dissuasive disciplinary sanctions and measures to infringements of their internal rules against the manipulation of sports competitions, in particular those referred to in paragraph 1 of this article, as well as to ensure mutual recognition and enforcement of sanctions imposed by other sports organisations, notably in other countries.*

4 *Disciplinary liability established by sports organisations shall not exclude any criminal, civil or administrative liability.*

2 European Instruments

2.1 European Union

The Lisbon Treaty or the Treaty on the Functioning of the European Union (TFEU) was signed by 27 EU Member States on 13 December 2007 and provides in Article 165:

The Union shall contribute to the promotion of European sporting issues, while taking account of the specificity of sports. Union acts shall be aimed at developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.

This article effectively enables the EU to tackle competition manipulation as a core activity of its competence in the sports field.

2.2 European Council Framework Decisions

Council Framework Decision 2003/568/JHA³⁹ on combating corruption in the private sector of 22 July 2003 aims to criminalise both active and passive bribery and establishes detailed rules on the liability of legal persons and deterrent sanctions. Under this law, Member States are required to penalise certain acts which are intentionally carried out in the framework of business activities. Another relevant instrument is the Council Framework Decision intending to fight organised crime 2008/841/JHA of 2008⁴⁰ and Directive 2005/60/EC⁴¹ of the European Parliament and Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, which was established 26 October 2005.

3 National Legislation

“A large number of substantial loopholes in the offences established in the legislation of many countries seriously hamper the efforts of law enforcement agencies and judicial authorities to combat match-fixing at the national, and even more so, at the international level.”⁴²

In recent years, numerous countries have made competition manipulation a separate criminal offence rather than relying on existing general provisions incriminating fraud, bribery, cheating, corruption or deception. Separate offences have been created either within the

³⁹ Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3A33308>

⁴⁰ Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32008F0841>

⁴¹ Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:309:0015:0036:en:PDF>

⁴² *ibid*, UNODC-IOC Report, July 2013, p. 14.

general criminal codes or acts e.g. in Australia, Bulgaria, France, New Zealand, Spain and Ukraine, or within the country's law on sports or gambling e.g. in Argentina, Brasil, China, Italy, Greece, Korea, Malta, Poland, Portugal, Russia, Switzerland and the UK.

The IOC, in collaboration with the UN Office on Drugs and Crime (UNODC) is currently developing Model Criminal Law Provisions on the Prevention of the Manipulation of Sports Competitions for all member states that have yet to have adopted specific legislation.

4 Data Protection Laws

National data protection laws may be cited in order not to exchange relevant information or intelligence in relation to competition manipulation, and will determine the capacity to access key evidence such as telephone and betting records. However, as stated in article 43 of UNCAC:

*States Parties shall consider assisting each other in investigations of and proceedings in civil and administrative matters relating to corruption.*⁴³

In essence, data protection laws aim to safeguard our privacy yet they should not be used to protect 'persons of interest' from being investigated in a competition manipulation case. Nor should they be used to hinder countries or sports exchanging information, particularly when it is in the public's interest to collect and deal with such data.

⁴³ See also UNCAC art. 48.1.(a) "To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities."

4

Prevention, Capacity Building and Training

1 Integrity Officer/Unit

All sports organisations are encouraged to appoint an Integrity Officer (Single Point of Contact) or Unit with the following roles and responsibilities:

- To ensure regulations are in line with the Olympic Movement Code on the Prevention of the Manipulation of Competitions;
- To coordinate intelligence in relation to competition manipulation and to convey alerts through the National Platform at the national level or the IOC Integrity Betting Intelligence System (IBIS) at the international level;
- To ensure ‘fact-finders’ are appointed and trained to be able to undertake fact-finding inquiries into competition manipulation;
- To ensure the development and implementation of a strategy to prevent competition manipulation including, for example, educational programmes designed to assist those involved in sport and sports organisations to recognise, resist and report suspicions of competition manipulation.

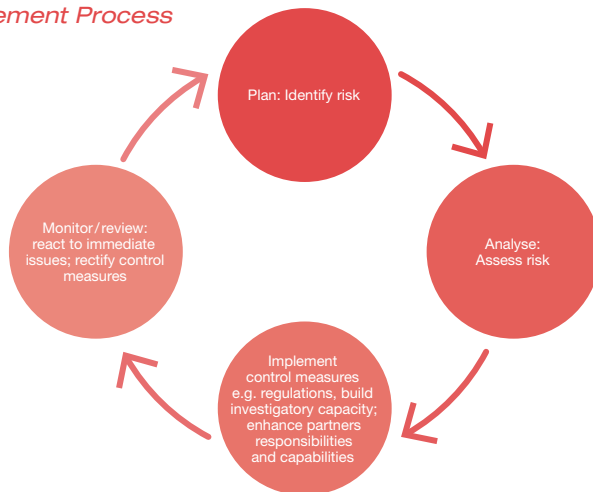
2 Risk Assessments for Sport

Risk assessments are used to identify areas of vulnerability and to design counter measures to minimise the risks. It is recommended that risk assessments are undertaken regularly, at least annually and also for specific high profile events in respect of the threat to your sport from competition manipulation. Risk assessments are also vital when dealing with an allegation of competition manipulation.

By undertaking a risk assessment for your sport, you are assessing the possibility that the outcome of a game or competition, or particular aspects of that game or competition, will be manipulated for betting purposes and financial advantage.

In order to manage risk, the risk management process should be identified in advance: What could potentially happen? What can be done to prevent it happening? If it cannot be prevented, then preparation should be made in anticipation of such eventualities. The following model can be of use in managing risk.

Risk Management Process



A Risk Assessment may take into account a number of factors including identifying and assessing the risks related to the:

- Vulnerability of the sport to manipulation for betting purposes: this assessment may include whether particular competitions are offered on the betting market.
- Vulnerability to manipulation for sporting purposes: this assessment may include whether the competition is ‘high-risk’ for sporting manipulation such as being at the end of the season in which one team has no vested interest in winning or losing as they have already qualified yet their opponents require points and a result to qualify for the next round.
- Affiliation to a betting monitoring system: All Olympic sports federations are affiliated to the IOC’s Integrity Betting Intelligence System. This enables the exchange of information related to suspicious activities within the system. All national federation SPOCs are encouraged to establish contact with their international federation SPOC to ensure exchange of information in relation to matters within the national jurisdiction as well as case/s, judicial actions or other intelligence on a regular basis.
- Fragility of sports organisations that may mean that risky decisions are made such as accepting money from uncertain origins; integrating into the management individuals who use the sport to engage in dubious activities not paying wages or late payment of wages leading to a greater risk that athletes and officials would be tempted to manipulate.

The implementation of control measures may include the following:

- Establishment of a designated Integrity Officer or Unit;
- Regulations that are in compliance with the Olympic Movement Code on the Prevention of the Manipulation of Competitions;
- An educational programme on integrity risks that reaches all levels of your organisation from grassroots to the elite level and harnesses the use of former athletes and officials to assist in the delivery of the educational programme.

3 Media Strategy

The establishment of a media strategy in relation to competition manipulation will enable your sports organisation to tackle any crisis in advance and to deal with the media's request for information. Frequently, allegations of manipulation are revealed by the media meaning that any media strategy should outline the sports organisation's role, response, actions and stance regarding allegations of competition manipulation. Any media strategy should be drafted with your organisation's media/communication department to ensure smooth planning, coordination and constant communication between the SPOC and management. This will ensure that the sports organisation can control the information and highlight the proactive nature of the sports organisation in dealing with competition manipulation.

Experience has shown that it is never an advantage for 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.

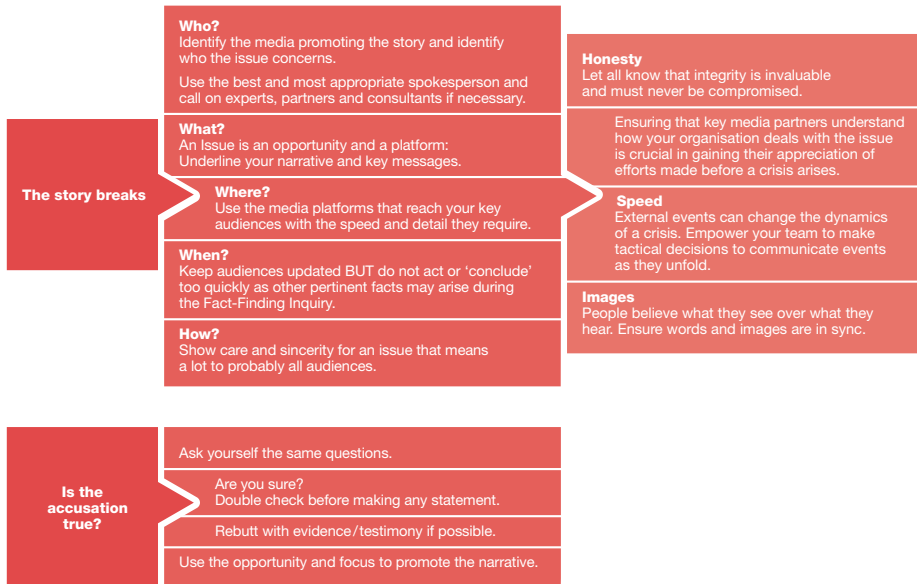
If an Integrity in Sport National Platform exists in your country, then ideally a media strategy is determined that all stakeholders within the Platform agree with. This will enable harmonised messaging with regards to how all stakeholders are dealing with the issue.

Any media strategy should take into consideration the following points:

- Manage your contacts with the media by proactively establishing a relationship with respected media in order to regularly brief them about integrity measures that your organisation is taking;
- Determine how to deal with the media when a fact-finding inquiry related to the manipulation of sports competition has been opened, or when rumours of a manipulation have been made public;
- Determine how to set up a crisis management procedure when a criminal procedure related to the manipulation of a sports competition has been launched, or when rumours related to a possible manipulation have been made public;
- Ensure that any media strategy or incident management procedure that is put in place is respected during any incident.

Crisis Communication

The following decision tree outlines the principle considerations to be made before deciding on a particular path following the breaking of a story.



In order to move on from the story or issue, ensure that you evaluate how you dealt with the story to see what could be done better next time. Willingness to evolve and to express publicly what will be done differently in the future will be appreciated by your audience. Ensure your Crisis Communication strategy is kept regularly updated.

4 Developing a Prevention Strategy

A holistic prevention strategy is recommended in relation to dealing with competition manipulation. Such a strategy requires:

- Strong regulatory framework (e.g. implementation of the Olympic Movement Code on the Prevention of the Manipulation of Competitions, provisions in athletes contracts and competition participatory forms related to respect of the rules e.g. Olympic Games Conditions of Participation Form);
- Effective educational programmes;
- Monitoring and information exchange mechanisms, reporting mechanisms, investigatory (fact-finding) capacity.

5 Educational Programmes

All sports organisations, nationally and internationally, are encouraged to develop and implement awareness raising and educational programmes related to combating competition manipulation. Given the numbers of athletes and officials that require training, a cascading of programmes is recommended through Train the Trainer programmes, e-learning complemented by Workshops, and potential synergies with other programmes such as those on doping. It is essential that the messages are unambiguous, consistent and clear. Generally the training programmes need to explain what competition manipulation is, how it works, how it can affect the individual, how you may be approached, the consequences of becoming involved in any way and a requirement to report, and to whom. The most common summary of this is to 'Recognise, Resist and Report'. There are a range of training programmes already in existence within various sports which may prove useful starting points.

6 INTERPOL-IOC Capacity Building and Training

INTERPOL and the IOC adopt a holistic approach to the protection of the integrity of sport as this is essential for both the prevention and investigation of competition manipulation nationally and internationally. INTERPOL and the IOC works in partnership with national and international stakeholders in law enforcement, government, sports governing bodies and betting operators and regulators to implement the strategy through the conduct and dissemination of analytical research to identify trends, modus operandi, legal requirements, good practice and other relevant information, as well as capacity building and training. The IOC and INTERPOL jointly conduct the following Capacity Building and Training:

6.1 Integrity in Sport Multi-Stakeholder Workshops

Aim: To develop knowledge and understanding of the global threat from competition manipulation and irregular/illegal betting; to identify current good practice and ways to prevent competition manipulation and corruption in sport; to encourage global, regional and national bodies with a role to play in promoting integrity in sport to work together more effectively in partnership, regularly sharing information and to take action to prevent competition manipulation.

Format: 1 day Workshop, approx. 80 people.

Example: Lima, Peru, 16 October 2015.

6.2 Integrity in Sport National Partnership Development Meetings (PDMs)

Aim: To bring together high level representatives from the Government, Betting Regulators and Operators, police, public prosecutors and the National Olympic Committees/National Federations in order to assist in the development of a coordinated national approach that protects the integrity of sport and enables the national, regional and international cooperation required for the prevention and investigation of competition manipulation. This includes identification of the legislative/regulatory status and elaboration of an appropriate framework for collaboration, education and exchange of information between all stakeholders.

Format: 1 day Meeting, approx. 20 people.

Example: Oslo, Norway, 16 June 2015.

6.3 Integrity in Sport Train the Trainers Workshops

Aim: To train sports coaches and educators to be able to deliver an Integrity in Sport Training Session for athletes and officials in order to multiply knowledge and understanding about the threat of competition manipulation within a particular sport or country and by providing training materials that reflect the latest trends and modus operandi of criminals.

Format: 1 day, approx. 40 people.

Example: Winnipeg, Canada, 11 November 2015.

6.4 Integrity in Sport Fact-Finders and Law Enforcement Investigators Trainings

Sport Fact-Finders Aim:

To prepare and train persons within a sports organisation tasked with conducting a Fact-Finding Inquiry in relation to a suspicion or allegation of competition manipulation to compile an inquiry file report and submit the results in accordance with the sports disciplinary procedure. Basic investigatory requirements such as interview skills, file reports etc. are developed. To establish the parameters for exchange of information between sport and police.

Format: 3 days, max. 12 fact-finders.

Example: Arnhem, Netherlands, 16-18 September, 2015.

Law Enforcement Sport Investigators Aim:

To train law enforcement officials and prosecutors to investigate competition manipulation with a specific focus on transnational investigations, evidence evaluation and coordination with sports organisations. To establish the parameters for exchange of information between sport and police.

Format: 2 day, max. 12 police investigators.

Example: Singapore, 27-28 August, 2015.

7 INTERPOL Major Event Support Team (IMEST)

An INTERPOL Major Event Support Team (IMEST) is deployed to assist member countries in the preparation, coordination and implementation of security arrangements for major sporting events.

IMEST team members assist the national and foreign liaison officers of participating countries in making the most efficient use of INTERPOL's full array of databases. They facilitate real-time exchange of messages and vital police data among all member countries. This data includes fingerprints, photos, wanted person notices, and data relating to stolen and lost travel documents and stolen motor vehicles.

An IMEST can be tailored to a member country's needs prior to and during an event and brings all of INTERPOL services to focus on the upcoming event. The global police communications network, known as I-24/7, can be enhanced and used for immediate outreach to the worldwide law enforcement community, should the need arise.

8 INTERPOL Match-fixing Task Force

The INTERPOL Match-Fixing Task Force is composed of a specialist network of police investigators from 74 Member countries (as of September 2015). It enables member countries to better exchange information, intelligence and experience and to develop cross-border strategies against international competition manipulation.

The Task-Force is supported by INTERPOL's Anti-Corruption and Financial Crimes Sub-directorate, benefiting from its experience on anti-corruption, notably its Global Focal Point Initiative on Anti-Corruption and Asset Recovery.

9 IOC strategy and TOOLS

The IOC philosophy of protecting clean athletes and sports integrity was reaffirmed in December 2014 upon the adoption of Olympic Agenda 2020,⁴⁴ the IOC's strategic roadmap for the future of the Olympic Movement. Under the IOC Ethics and Compliance Office, key initiatives related to preventing competition manipulation and related corruption have been developed and implemented in order to:

- a. Improve governance through sport regulations and state legislation;
- b. Raise awareness, build capacity and undertake training;
- c. Ensure information exchange, investigation and prosecution capacities.

The strategy is global and holistic in order to cascade rules, education, capacity building and the sharing of information from the international level to local club level.

⁴⁴ See further here: www.olympic.org/olympic-agenda-2020

IOC Integrity Initiatives Overview



9.1 Improve governance through sport regulations and state legislation

The IOC encourages and supports the development of sporting regulations that protect the integrity of sport, prevent competition manipulation and empower effective regulatory enforcement, particularly as a risk prevention measure in the organisation of sporting competitions. In December 2015, the IOC Executive Board approved the Olympic Movement Code on the Prevention of the Manipulation of Competitions (see Chapter 2: Applicable Sports Regulations). The IOC took the lead on preparing such a Code following the International Forum for Sports Integrity in April 2015 during which the Olympic Movement was called upon to develop global standards regarding the manipulation of competitions and related corruption in compliance with the Council of Europe Convention on the Manipulation of Sports Competitions (see Chapter 3: Applicable State Legislation). It also coincided with the IOC's renewed commitment to protect clean athletes and the integrity of sport as outlined in Olympic Agenda 2020.

In 2015, the IOC and the UN Office on Drugs and Crime (UNODC) commenced a joint study that will be released in 2016 to research over 50 countries legislative frameworks in dealing with competition manipulation, to determine best practices and subsequently develop Model Criminal Law Provisions to fight the Manipulation of Competitions. This Study follows on from the UNODC-IOC Study “Criminalization approaches to combat match-fixing and illegal/irregular betting: a global perspective”⁴⁵ that compiled criminal law provisions on match-fixing and illegal betting from existing legislation in UNODC Member States and identified discrepancies and similarities in legislative approaches.

Since 2006, the IOC Code of Ethics⁴⁶ has forbidden all participants at the Olympic Games from betting on Olympic events. For each edition of the Olympic Games, and also for the Youth Olympic Games, specific rules are published.⁴⁷

⁴⁵ Ibid, UNODC-IOC, July 2013.

⁴⁶ Available at: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/2016_ioc_code_of_ethics-book-en.pdf

⁴⁷ The Rio de Janeiro Summer Olympic Games 2016 Rules, available here: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/rio2016_rules_on_the_prevention_of_manipulation-en.pdf

9.2 Raise awareness, build capacity and undertake training

- The IOC organises regularly the International Forum for Sports Integrity (IFSI) as a global forum for governments, international organisations, betting operators and the sports movement.
- With the support of INTERPOL, the IOC builds capacity, trains and assists sports organisations, national law enforcement and other stakeholders through workshops and tailored training material to effectively respond to integrity threats.
- An Integrity e-learning programme for Olympic athletes and officials is presently being developed and will be launched in 2016.
- The IOC promotes and continues to develop stakeholder-appropriate risk prevention tools including:
 - PlayFair Integrity Booth for use during Olympic Games, Youth Olympic Games and other multi-sports events, which includes a workshop, game⁴⁸ and quiz.⁴⁹
 - PlayFair Code of Conduct “Protect your sport” available in 10 languages.⁵⁰

⁴⁸ Available at: <http://assets.olympic.org/playfair/>

⁴⁹ Available at: <http://assets.olympic.org/quizbetting/>

⁵⁰ See further: www.olympic.org/ethics-commission?tab=betting#education

PlayFair Code of Conduct “Protect your sport” available in 10 languages.



9.3 Ensure information exchange and investigative capacities

- The IOC’s Integrity Betting Intelligence System (IBIS) enables information exchange between law enforcement, sports organisations and betting operators/regulators (see above Chapter 1, 4.8).⁵¹
- The IOC, in partnership with INTERPOL, is developing fact-finding and investigative processes and capacities within and across sports to enable sports to conduct disciplinary proceedings and for law enforcement authorities to conduct criminal proceedings in relation to competition manipulation;
- A framework for reporting of integrity breaches has been established following the creation of the IOC’s Integrity and Compliance Hotline, available at: www.olympic.org/integrityhotline. The Hotline can be used to:
 - Report suspicious approaches or activities related to competition manipulation or;
 - Infringements of the IOC Code of Ethics or other matters including financial misconduct or other legal, regulatory and ethical breaches over which the IOC has jurisdiction.

⁵¹ For further information, see here: www.olympic.org/Documents/Reference_documents_Factsheets/Integrity_Betting_Intelligence_System_IBIS.pdf

5

Case Studies

This section aims to provide sports organisations with examples of competition manipulation within various sports:

Badminton

When: London Summer Olympic Games 2012

What: Women's double's competition. All four pairs were accused of deliberately attempting to lose group games in an attempt to manipulate the draw for the knockout stage.

Sanction: Disqualification from the Olympic Games for "not using one's best efforts to win".

Baseball

When: 1919

What: Black Sox Scandal. 1919 Baseball World Series, the Chicago White Sox were bought out and allowed the Cincinnati Reds the opportunity to win the finals. The White Sox subsequently became the 'Black Sox'. It has been suggested that low wages and the reserve clause was partly responsible for players involvement in the Black Sox scandal. The reserve clause meant complete control over players' salaries.

Sanction: Eight players banned from playing professional baseball for life.

Basketball

- When:** 2005-2007 NBA seasons.
- Who:** Tim Donaghy, former US National Basketball Association (NBA) referee.
- What:** Investigation by the Federal Bureau of Investigation (FBI) found that Tim Donaghy bet on games that he officiated in order to control the point spread in those games. It was also found he had a gambling problem and disclosed inside information to individuals who placed the bets.
- Sanction:** Pleaded guilty to conspiracy to engage in wire fraud and transmitting betting information through interstate commerce. Sentenced to 15 months in US federal prison, fined \$500,000. Banned and disowned by the NBA and fellow referees.

Football

- When:** 2003-2004
- Who:** German second division referee Robert Hoyzer
- What:** Robert Hoyzer confessed to fixing and betting on matches in the 2nd Bundesliga, the German Football Federation (DFB) Pokal (German Cup) and the third division Regionalliga. It was found he acted on behalf of three Croatian brothers (Ante, Milan and Filip Sapina) who paid him to fix matches as part of a €2 million match-fixing scandal.
- Sanctions:** Hoyzer banned for life from football and received a 29 month prison sentence. He was released in July 2008 after serving half of his sentence and sued for €1.8 million. In an out-of-court settlement Hoyzer agreed to pay the DFB a monthly sum of €700 for 15 years as damages to the DFB as well as to a club knocked out of the domestic cup competition because of his match-fixing. Referee Dominik Marks was banned for life and received an 18-month sentence for his involvement. Ante Sapina convicted of fraud and sentenced to 35 months prison for fixing or attempting to fix games. His brothers, Milan and Filip were given suspended sentences.

Handball

- When:** May 2012
- Who:** Montpellier Handball team, France
- What:** Eight players bet on their own team losing at half time. French betting operator Française des Jeux noticed irregular betting patterns on the game when the game attracted bets of €103,000 for a sport that usually attracts just a few thousands euros. They immediately stopped accepting bets and alerted the authorities. Suspicions were raised as players did not bet themselves but members of their entourage did.
- Sanctions:** 6 game ban by French Handball league. 16 people, including seven players, were indicted, none were given jail time. French player, Nikola Karabatic found guilty and fined €10,000. Other players were fined between €1,500 and 30,000 euros. Players will pay compensation to La Française des jeux.

Sailing

- When:** 2012 IOC Ethics Commission decision
- Who:** Peter O'Leary, Irish sailor
- What:** Peter O'Leary placed two bets worth a total of €300 on British pair Iain Percy and Andrew Simpson to win in the same Star class event at odds of 12-1, the same event that he was competing in at the Beijing Olympics in 2008. He won €3,600.
- Sanction:** IOC Ethics Commission issued a warning to the athlete.⁵²

⁵² IOC Ethics Commission decision, available at: www.olympic.org/Documents/Commissions_PDFfiles/Ethics/2012-11-26-final-decision--P-OLeary-Eng.pdf

Tennis

- Who:** Daniel Koellerer, Austrian, former professional tennis player
- When:** October 2009 and July 2010.
- What:** David Koellerer used his personal website to facilitate betting on matches, was found guilty of “soliciting or facilitating a player not to use his or her best efforts in an event” and “soliciting, offering or providing money, benefit or consideration to any other covered person with the intention of negatively influencing a player’s best efforts in any event”.
- Sanction:** Tennis Integrity Unit (TIU) issued a life ban from tennis in May 2011 and fined him \$100,000 for betting-related corruption.⁵³ After appeal to CAS, the permanent suspension was upheld but the fine was withdrawn as he had not benefited financially from any of the charges for which he had been found liable.

⁵³ www.tennisintegrityunit.com/downloads/20110531155213-tiu-statement-re-daniel-koellerer-31-may-2011.pdf

MODEL SPORTS WAGERING ACT (GAMING STATES)

Section 1. Definitions.

As used in this Act, unless the context requires otherwise:

(1) “Gaming facility” means a licensee offering gaming at a facility in this state pursuant to [insert reference existing state law].

(2) “Interactive sports wagering platform” or “platform” means a person or entity that offers sports wagering over the internet, including on websites and mobile devices, on behalf of a gaming facility.

(3) “Sports governing body” means the organization that prescribes final rules and enforces codes of conduct with respect to a sporting event and participants therein.

(4) “Sports wagering” means accepting wagers on sporting events or portions of sporting events, or on the individual performance statistics of athletes in a sporting event or combination of sporting events, by any system or method of wagering, including but not limited to in-person, or over the internet through websites and on mobile devices. The term includes, but is not limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets.

(5) “Sports wagering operator” or “operator” means a gaming facility that offers sports wagering or an interactive sports wagering platform that offers sports wagering on behalf of a gaming facility.

(6) “Wager” or “bet” means the staking or risking by a person of something of value upon an agreement or understanding that the person or another person will receive something of value in the event of a certain outcome.

The term does not include:

- (a) any activity governed by the securities laws of the United States or this state;

(b) any contract of indemnity or guarantee;

(c) any contract for insurance; or

(d) participation in any game or contest in which the participants do not stake or risk anything of value other than personal efforts of the participants in playing the game or contest or obtaining access to the internet, or points or credits that the sponsor of the game or contest provides to participants free of charge and that can be used or redeemed only for participation in games or contests offered by the sponsor.

Section 2. Sports wagering by gaming facilities.

(1) Sports wagering may not be offered in this state except by a gaming facility pursuant to this Act.

(2) Gaming facilities may offer sports wagering:

(a) in-person at the licensed facility; and

(b) over the internet via an interactive sports wagering platform to persons physically located in this state.

(3) A gaming facility may contract with interactive sports wagering platforms to administer sports wagering over the internet on its behalf.

Section 3. Licensing of interactive sports wagering platforms.

(1) An interactive sports wagering platform may offer sports wagering on behalf of a gaming facility only if it holds a platform license issued by [regulating entity].

(2) Applicants for interactive sports wagering platform licenses shall:

(a) submit an application to [regulating entity] in the manner prescribed by [regulating entity] to verify the platform's eligibility under the Act, and

(b) pay an initial fee of \$10,000.

(3) Each year on or before the anniversary date of the payment of the initial fee made under subsection (2)(b), if such platform license has been issued, a platform shall pay to [regulating entity] an annual license renewal fee of \$5,000.

(4) Notwithstanding contrary law, a platform license application and all documents, reports, and data submitted by an interactive sports wagering platform to [regulating entity] containing proprietary information, trade secrets, financial information, or personal information about any person shall be treated by [regulating entity] as closed records and shall not to be disclosed to the public unless required by court order, this Act, or other law.

(5) An interactive sports wagering platform may enter into agreements to offer sports wagering on behalf of one or more gaming facilities without limitation. Such agreements are not prerequisites to obtaining an interactive sports wagering platform license.

Section 4. Sports wagering operators; consumer protections.

(1) Sports wagering operators shall verify that a person placing a wager is of the legal minimum age for placing such a wager.

(2) Sports wagering operators shall allow individuals to restrict themselves from placing wagers with the operator, including wager limits, and take reasonable steps to prevent those individuals from placing such wagers, including upon request of such individual to share the request with [regulating entity] for the sole purpose of disseminating the request to other sports wagering operators.

(3) [Regulating entity] shall promulgate rules to ensure that an operator's advertisements for sports wagering:

(a) do not target minors or other persons who are ineligible to place wagers, problem gamblers, or other vulnerable persons, which may

include limitations on the form, content, quantity, timing, and location of advertisements;

(b) disclose the identity of the sports wagering operator;

(c) provide information about or links to resources relating to gambling addiction; and

(d) are not false, misleading, or deceptive to a reasonable consumer.

Section 5. Integrity requirements.

(1) Sports wagering operators shall conduct background checks on newly hired employees, and annual background checks on all existing employees. Background checks shall search for criminal history, and any charges or convictions involving corruption or manipulation of sporting events and association with organized crime.

(2) Sports wagering operators shall employ commercially reasonable methods to:

(a) prohibit the operator, directors, officers, owners, and employees of the operator, and any relative living in the same household as such persons, from placing bets with the operator;

(b) prohibit athletes, coaches, referees, team owners, employees of a sports governing body or its member teams, and player and referee union personnel from wagering on any sporting event overseen by their sport's governing body. In determining which persons are excluded from placing wagers under this subsection, operators shall use publicly available information and any lists of such persons that the sports governing body may provide to [regulatory entity];

(c) prohibit any individual with access to non-public confidential information held by the operator from placing wagers with the operator;

(d) prohibit persons from placing wagers as agents or proxies for others; and

(e) maintain the security of wagering data, customer data, and other confidential information from unauthorized access and dissemination; provided, however, that nothing in this Act shall preclude the use of internet or cloud-based hosting of such data and information or disclosure as required by court order, other law, or this Act.

(3) A sports governing body may notify [regulating entity] that it desires to restrict, limit, or exclude wagering on its sporting events by providing notice in the form and manner as [regulating entity] may require, including without limitation restrictions on the sources of data and associated video upon which an operator may rely in offering and paying wagers and the bet types that may be offered. Upon receiving such notice, [regulating entity] shall publish the wagering restrictions. Offering or taking wagers contrary to such published restrictions is a violation of this Act.

(4) [Regulatory entity] shall designate a state law-enforcement entity to have primary responsibility for conducting, or assisting [regulatory entity] in conducting, investigations into abnormal betting activity, match fixing, and other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain.

(5) [Regulating entity] and sports wagering operators shall cooperate with investigations conducted by sports governing bodies or law enforcement agencies, including but not limited to providing or facilitating the provision of account-level betting information and audio or video files relating to persons placing wagers.

(6) Sports wagering operators shall immediately report to [regulating entity] any information relating to:

(a) criminal or disciplinary proceedings commenced against the sports wagering operator in connection with its operations;

(b) abnormal betting activity or patterns that may indicate a concern with the integrity of a sporting event or events;

(c) any potential breach of the relevant sports governing body's internal rules and codes of conduct pertaining to sports wagering;

(d) any other conduct that corrupts a betting outcome of a sporting event or events for purposes of financial gain, including match fixing; and

(e) suspicious or illegal wagering activities, including use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, using agents to place wagers, and using false identification.

Sports wagering operators shall also immediately report information relating to conduct described in subsections (b), (c), and (d) to the relevant sports governing body.

(7) Sports wagering operators shall maintain the confidentiality of information provided by a sports governing body to the sports wagering operator, unless disclosure is required by this Act, [regulating entity], other law, or court order.

(8) Sports wagering operators shall use in all sports wagering only statistics, results, outcomes, and other data relating to a sporting event that have been obtained from the relevant sports governing body or an entity expressly authorized by the sports governing body to provide such information to sports wagering operators.

Section 6. Recordkeeping; information sharing; fees.

(1) Sports wagering operators shall maintain records of all bets and wagers placed, including personally identifiable information of the bettor, amount and type of bet, time the bet was placed, location of the bet, including IP address if applicable, the outcome of the bet, records of

abnormal betting activity, and video camera recordings in the case of in-person wagers for at least three years after the sporting event occurs and make such data available for inspection upon request of [regulating entity] or as required by court order.

(2) If a sports governing body has notified [regulating entity] that real-time information sharing for wagers placed on its sporting events is necessary and desirable, sports wagering operators shall share in real time the information required to be retained pursuant to Section 6(1) (other than video files) with the sports governing body or its designee with respect to wagers on its sporting events.

(3) At least once per calendar quarter, a sports wagering operator shall remit to the relevant sports governing body a sport betting right and integrity fee of one percent of the amount wagered on its sporting events.

(4) [Regulating entity] shall cooperate with a sports governing body and operators to ensure the timely, efficient, and accurate sharing of information and the remittance of the sport betting right and integrity fee to the sports governing body or its designee.

Section 7. Civil penalty.

Any person, firm, corporation, association, agent, or employee who knowingly violates any procedure implemented under this Act shall be liable for a civil penalty of not more than [amount] for each violation, not to exceed [amount] for violations arising out of the same transaction or occurrence, which shall accrue to the state and may be recovered in a civil action brought by [regulating entity].

Section 8. Criminal liability.

(1) Whoever:

(a) places, or causes to be placed, a bet or wager on the basis of material nonpublic information relating to that bet or wager; or

(b) knowingly engages in, facilitates, or conceals conduct that intends to improperly influence a betting outcome of a sporting event for purposes of financial gain, in connection with betting or wagering on a sporting event—

shall be fined not more than \$5,000,000 or imprisoned not more than ten years, or both.

(2) A bet or wager is “on the basis of” material nonpublic information relating to that bet or wager if the person placing the bet or wager, or causing it to be placed, was aware of the material nonpublic information when such person placed the bet or wager or caused it to be placed.

(3) Any person or gaming facility who violates subsection (1)(b) shall be liable to the relevant sports governing body, which sports governing body may sue either at law or in equity in any court of competent jurisdiction.

Section 9. Reconciliation with federal law.

Sports wagering may not be offered in this state under this Act until [regulating entity] determines that federal law does not prohibit such sports wagering.



GAMBLING POLICY for NFL Personnel 2018

The NFL is strongly committed to maintaining the integrity of the NFL, its games, Clubs, players, coaches, and other League and Club personnel. Gambling, particularly on NFL games or other sports, presents potential risks to the integrity of our competition and can negatively impact team cohesion. We therefore owe it to our fans and everyone associated with our League to take all appropriate steps to safeguard our game against possible threats from illegal gambling as well as gambling in a legal, regulated context.

This NFL Gambling Policy (“Policy”) sets forth the standards of conduct expected of all persons associated with our League: it is intended clearly to set forth permissible and prohibited activities and serve as a guide to promote compliance.

1. DEFINITIONS

As used herein, the following terms shall have the meanings indicated:

Gambling – the wagering of money and/or something else of value, on an event with an uncertain outcome with the intent of winning additional money and/or thing(s) of value. Generally, gambling involves all three of the following elements:

- » **Prize** – Any item of value that is offered to the winner. This could include money, other goods or services and/or any other thing of value, regardless of the amount of such value.
- » **Chance** – The “winner” of the prize is uncertain at the time the wager is made. The use or exercise of skill, strategy, and/or knowledge, unless it *completely* negates the element of chance, does not convert an activity into something other than gambling.
- » **Consideration** – In order to receive a chance to win the prize, the participants provide or risk something of value.

Examples of activities that constitute gambling include, but are not limited to, betting on sporting events or other athletic competitions, including placing wagers at sports books and similar establishments; betting on card, dice or video games (including poker, in any of its variations); playing casino games (e.g., slot machines, blackjack, keno, roulette, craps); betting on animal racing or fighting; or participating in “sports pools.”

Gambling includes *commercial gambling* (whether for profit, charity or anything else) that involves third parties (e.g., bookies, dealers, “the house”), as well as *private wagers* between teammates, family and friends, or others. Gambling also includes, without limitation, wagers made in person, remotely (via telephone or the Internet), or through a third-party “surrogate.”

Participation in League, Club or partner-sponsored skills competitions (e.g., racquetball tournaments, “Club Olympics” events) for prizes generally is not considered to be gambling or a gambling-related activity, provided that there is no wagering on the outcome.

Participation in or promotion of “casino nights” or similar events for charity generally is not considered to be gambling or a gambling-related activity and is permissible, provided that no money or items of value are wagered and all proceeds from the event are donated to a legally-recognized charity.

Participation in legally operated fantasy sports games (*i.e.* contests in which participants assemble imaginary teams comprised of real players from professional sports and compete based on the statistical performance of the real players) generally is not considered to be gambling or a gambling-related activity for purposes of this policy, but the participation by NFL Personnel in fantasy *football* games is subject to certain limitations as set forth in Section 5 below.

NFL Personnel – Unless otherwise limited, this Policy applies to all full- and part-time Club and League personnel including League office employees, players, owners, coaches, athletic trainers, game officials, security personnel, consultants, Club employees, game-day stadium personnel and other staff.

Sportsbook – Any brick-and-mortar, mobile or online establishment that accepts bets on sporting events and pays out winnings.

2. GAMBLING ACTIVITIES

No Illegal Gambling

NFL Personnel are strictly prohibited from participating in or facilitating any form of illegal gambling.

Restrictions on Legal Gambling

NFL Personnel are restricted or prohibited from engaging in the following gambling-related activities, regardless of whether such activities are legal:

1. *Betting on Football:* All NFL Personnel are prohibited from placing, soliciting, or facilitating any bet, whether directly or indirectly through a third-party, on any NFL game, practice or other event. This includes betting on game outcome, statistics, score, performance of any individual participant, or any other kind of “proposition bet” on which wagering is offered.
2. *Betting on Other Sports:* All NFL Personnel other than Players are further prohibited from placing, soliciting, or facilitating bets on any other professional (e.g., NBA, MLB, NHL, PGA, USTA, MLS), college (e.g., NCAA basketball), international (e.g., World Baseball Classic, World Cup), or Olympic sports competition, tournament or event.
3. *Game Fixing:* NFL Personnel shall not throw or fix any NFL game or in any way influence its outcome, statistics, or score; or otherwise manipulate or attempt to manipulate any other aspect of any NFL game for a gambling-related purpose. This includes accepting a bribe or otherwise agreeing to throw, fix or influence a game, as well as failing to report any bribe, offer or attempt to do so.

4. *Best Effort:* NFL Personnel must always give their best effort. Failing to give best effort in any NFL game, or soliciting, encouraging or inducing anyone not to give best effort for a gambling-related purpose is strictly prohibited.
5. *Inside Information and Tipping:* Unless duly authorized, NFL Personnel are prohibited from using, disclosing or providing access to confidential, non-public information regarding: (a) any NFL game or event; (b) any participating individual's availability for or performance in any NFL game; or (c) any other conditions material to any NFL game for a gambling-related purpose, whether directly or through another person. This includes failing to report any request for, disclosure of, or possible disclosure of such information.
6. *Gambling in the Workplace:* NFL Personnel shall not engage in any form of gambling while in any Club or League setting including, without limitation, locker rooms, practice or office facilities, team buses, trains, flights, or hotels, or while traveling on Club or League business. For clarity, playing cards or other casino-type games is permitted as long as nothing of value is wagered.
7. *Sportsbooks:* NFL Personnel shall not enter into, utilize, or otherwise visit a Sportsbook at any time during the NFL playing season.¹
8. *Endorsements and Promotional Appearances:* NFL Personnel are prohibited from using or allowing others to use one's name and/or image directly to promote, advertise, or publicize gambling-related enterprises (as defined in Section 3 of this Policy); or making personal, promotional appearances on behalf of any entity in a casino gaming area or Sportsbook.
9. *Associations:* NFL Personnel shall not maintain social, business and/or personal relationships with persons generally known to be professional, problem, and/or sports gamblers, in a manner that discredits the reputation of the NFL, NFL Players or the game.
10. *Gifts and Services:* NFL Personnel may not accept a complimentary room, service, or other gift from a casino or other gambling-related establishment if its value exceeds \$250. Any items accepted (other than de minimus food & beverages generally offered to all patrons) must be appropriately documented and verifiable upon request. Soliciting gifts of any value is never permissible.

Permitted Non-Sports Gambling

NFL Personnel may visit and place non-sports wagers at legally-operated casinos and horse or dog racing tracks on personal time, including during the season.

3. EMPLOYMENT AND OWNERSHIP INTERESTS

NFL Personnel shall not work for, own or operate, in whole or in part, directly or indirectly, individually or through any business organization, any casino (whether or not such casino operates a Sportsbook or otherwise accepts wagering on sports), or other gambling-related enterprise, including, without limitation, any "on-line," computer-based, telephone, or Internet gambling service, card room, lottery, slot machine operation, horse or dog racing track, off-track betting service, as well as any advisory service such as a publication or "tout service," whether or not such service addresses professional football or any other team sport.

¹ This is not intended to prohibit simply passing through a Sportsbook to access a permissible area of a casino or hotel complex.

In the case of enterprises conducting multiple lines of business, an enterprise shall be considered a “gambling-related enterprise” for purposes of this Policy if one-third or more of the enterprise’s gross revenues or operating profit in any of the last three years is attributable to gambling-related operations.

NFL personnel may own shares in mutual funds or other passive accounts that include gambling-related enterprises within their portfolios.

4. FANTASY FOOTBALL

NFL Personnel may not (i) accept prizes with a value in excess of Two Hundred Fifty Dollars (\$250) in any season-long fantasy football game, (ii) participate in any “daily” or other similar short duration fantasy football game that offers any prize (regardless of value), or (iii) participate in any fantasy football game (including daily, season-long, or any other game format) in a jurisdiction where such participation is prohibited by applicable law or regulation. These prohibitions are intended to avoid any appearance of impropriety which may result from participation in fantasy football games by individuals perceived to have an unfair advantage due to their preferential access to information.

5. RELATED POLICIES

Clubs and other NFL-related entities subject to this Policy may elect to adopt and enforce additional and/or supplemental gambling-related policies, with the understanding that this Policy sets forth minimum standards which may not be modified or altered without the express approval of the Commissioner. In the event of any conflict or inconsistency between this Policy and any less restrictive provisions of any such additional or supplemental policy, the provisions of this Policy shall govern.

6. REPORTING OBLIGATIONS

Gambling Debt: Any NFL Personnel who incurs gambling debts above \$10,000 to any person(s) or gambling-related enterprise(s) shall promptly report such fact to the NFL Security Department at (800) NFL-1099.

Policy Violations: All NFL Personnel are reminded of their affirmative obligation to report violations or potential violations of this Policy, including improper approaches or solicitations by others, to the NFL Security Department at (800) NFL-1099. Reports also may be made to the *Protect the Shield* hotline at (888) 291-6472 or <http://ProtecttheShield.com>.

Duty to Cooperate: All NFL Personnel are required to fully cooperate with any investigation conducted by or on behalf of the NFL with respect to this Policy. All NFL Personnel are further prohibited from soliciting or inducing others from complying with their duty to cooperate.

Retaliation: Retaliation in any form against an individual who reports a violation of this Policy, or who assists in the investigation of a reported violation, is itself a serious violation of this Policy. Acts of retaliation should be reported immediately and will be disciplined appropriately.

Questions regarding the application of this Policy may be directed to Adolpho Birch, Sabrina Perel or Todd Jones at the League office.

7. VIOLATIONS

Apparent or alleged violations of this Policy by NFL Personnel will continue to be decided by the Commissioner or his designee on a case-by-case basis. Violations of this Policy constitute conduct detrimental to the League and will subject the involved Club and/or person(s) to appropriate disciplinary action by the Commissioner. Such disciplinary action may include, without limitation, severe penalties, up to and including a fine, termination of employment and/or banishment from the NFL for life.

8. ASSISTANCE AND RESOURCES

If you or someone you know has a gambling problem, toll-free and confidential help is available 24 hours a day, 7 days a week through the National Council on Problem Gambling. Call or text (800) 522-4700 or go to www.ncpgambling.org/chat.