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Assessing the Effectiveness of Availability of Illicit Drugs as a Law Enforcement Performance Indicator

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**AVAILABILITY OF ILLICIT DRUGS AS A
PERFORMANCE MEASUREMENT**

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Availability of Illicit Drugs as a
Law Enforcement
Performance Indicator**

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Abstract

Reinventing government also known as, New Public Management (NPM) is the latest approach to a rather old question. How to improve government performance and accountability? While the concept has been widely embraced by many world leaders, elected officials and academics, there are those in government, including law enforcement, who struggle transcending from concept to implementation. This paper examines the Drug Enforcement Administration's (DEA) response to this latest call for public administration reform and provides recommendations for improvement. The analysis of secondary data and the collection of primary data will provide evidence that supports accountability in government is contingent upon relevant, attainable, measurable, performance indicators and to improve accountability the DEA should abandoned performance indicators that are contingent upon reducing illicit drug availability in America.

Introduction

David Osborne a leading authority on public administration reform described reinventing government as “The fundamental transformation of public systems and organizations to create dramatic increase in their effectiveness, efficiency, adaptability and capacity to innovate. This transformation is accomplished by changing their purpose, incentives, accountability, power structure and culture”, (Osborne 1997, p.13). Whether it is called reinventing government or New Public Management (NPM), it is the latest approach to a rather old question: How to improve government performance and accountability? “This reform agenda in public administration can be traced to several worldwide trends” (Denhardt 2003, p. 333). As political leaders in Europe, Asia and North America recognized the unsustainable nature of comprehensive, centralized systems of public service delivery, they started to examine more cost efficient, effective ways of providing public service. By the mid-1980s, many public managers around the world, using slogans like NPM or reinvention, had embarked on a journey to restructure bureaucratic agencies, streamline agency process, and decentralize policy decisions making. In the early 1990s, Osborne and Gaebler’s landmark work, *Reinventing Government*, brought many of the NPM principles to American shores. Today we in public administration on all levels have certainly seen or experienced the effects of this influence.

The Government Performance and Result Act of 1993, (GPRA) can be directly attributed to this influence and John Mercer, the acknowledged father of GPRA, “who brought his local level management experience in Sunnyvale, California, to the legislative developments process within the U.S. Congress”, (Radin, 2000, p. 115). Mercer’s goal, to enact legislation that provided mechanisms for performance budgeting became a reality on August 3, 1993, when

President Clinton signed GPRA into law. During the ceremonial signing President Clinton remarked, "The law simply requires that we chart a course for every endeavor that we take the people's money for", (Breul 2003, p. 58). While the law seems simplistic in nature, Congress apparently recognized the complexity of the issue and provided a four-year window for federal agencies to implement GPRA.

Historically, government reform was driven by Presidential executive orders; GPRA on the other hand, is a departure from this practice because it is based on legislation. The earlier efforts that were driven by the executive branch, while well intended, had limited congressional oversight and often were dismissed with the change of administrations. This is not the case with GPRA, more than a decade later GPRA and its three salient points: Strategic Plans; Annual Performance Plans; and Annual Performance Reports, have continued through a change of administrations and from my personal observations GPRA has not suffered from lack of attention in the legislative branch. In fact, some would support that too much congressional attention has been paid to the issue, as advocated by Beryl Radin in her article *The Government Performance and Results Act and the Tradition of Federal Management Reform: Square Pegs in Round Holes*, (Radin, 2000, pp. 111-135).

In response to the mandate of the last decade to improve performance and accountability in government, federal agencies have reacted, including the Drug Enforcement Administration (DEA). The agency is responsible for enforcing Federal laws and regulations that relate to controlled substances and according to the U.S. Department of Justice, Office of the Inspector General (OIG), p. 1) that;

includes identifying and targeting organizations and individuals involved in growing, manufacturing, or distributing controlled substances destined for the United States...The DEA also is responsible for taking actions to: 1) Reduce the availability of and demand for illicit controlled substances on the domestic and international markets and...2) Control the diversion of legitimately manufactured controlled substances from their lawful purpose into the illicit drug traffic.

In accordance with the GPRA, the DEA developed strategies, mission statements, annual performance plans and annual performance reports. Unfortunately, several federal audits concerning the DEA's implementation of GPRA conducted by independent authorities have determined that DEA has failed to meet key aspects of the law. The shortcomings identified in these audits while noteworthy and deserving of action have failed to unearth a more pressing matter, which, if left unattended will ultimately undermine DEA's attempts to comply with GPRA.

By analyzing secondary data and the collection of primary data, by the author as a participant observer, with over thirty years experience in government and law enforcement, this paper will establish that research has been unable to provide reliable data that would allow for an accurate estimate of the illicit drug market in the United States. While many estimates are bantered about and published in many languages, close examination reveals that those estimates cannot withstand scrutiny and are often too vague. Without reliable estimates of the predominant illicit drugs available, it is impossible to measure with any reasonable accuracy DEA's efforts to reduce the availability of illicit drugs. Further, the quantitative role of the DEA participation in global and national efforts to reduce illicit drug availability is limited and

unclear. Not to diminish the tremendous efforts and sacrifices that the DEA employees have made and are making across the nation and around the world; we are however, but one member of the law enforcement community, numbering in the thousands. Any attempt to differentiate our efforts from other agencies, on reducing the availability of illicit drugs is not practical or realistic. We also need to consider that there are many other variables not within the direct purview of the DEA, including crop substitution, eradication, climate, politics, interdiction and war to name but a few, that also impact the availability of illicit drugs. Finally the analysis of the data will provide a substantial body of evidence that accountability in government is contingent upon relevant, attainable, measurable performance indicators and since the extent of illicit drug availability is unknown and the quantitative role of the DEA to reduce the availability of illicit drugs is limited and often indistinguishable from others, the DEA should abandoned performance indicators that are contingent upon reducing illicit drug availability.

Literature Review

The literature addressing public administration reform, performance measurements and the many issues associated with illicit drugs is plentiful. The secondary data collected and reviewed for this research paper is categorized into the following areas: Federal legislation; Federal agencies strategic performance plans and reports; congressional hearings; national drug control strategies, threats, budgets and studies; Federal, state and local law enforcement illicit drug strategies; arrest, drug seizure and drug abuse statistics; subject periodicals, publications and national press reports.

Upon review, it was apparent that reinventing government could provide politicians with a means to at least symbolically respond to the widely shared cynicism people hold toward

government. The image of reinvention as an attempt to bring government under control and finally to make the bureaucracy responsive to ordinary citizens no doubt helps to account for its popularity among those in elected positions, who face relatively short periods of time in office and significant expectations of leadership. In order to develop a better understanding of the reinvention movement, a review of the origins and an analysis of some of the basic ideas providing its philosophical core are necessary.

Osborne and Gaebler are responsible for igniting the latest cause of reinventing government in the United States and they operated from a premise that government is wasteful and inefficient, focusing on change in two fundamental ideas. The first being *The Decentralization of Authority*; authority should be pushed downward as far as possible in the organizational hierarchy. Leaders set direction in the form of public policies. Those further down the chain of command implement the necessary programs. In short, goals and objectives should be set, then managers with program responsibility should be given the discretionary authority to do whatever it takes (within broad limits) to see that those goals and objectives are accomplished. Stated more simply, once policy is set, leaders should get out of the way and let the managers manage. Success should be judged in terms of the results achieved, that is, in terms of the extent to which goals and objectives are reached. Congressional and other political action affecting administration through rules and reporting requirements are defined as unwarranted involvement in administration. Bureaucracies that administer these rules and requirements should be reduced or eliminated. Civil service rules and regulations governing human resources management come in for a particularly hard time under the entrepreneurial paradigm associated with reinvention.

The second most prominent idea is *A Customer Orientation*, the belief that government organizations must become more customer oriented. A theme, which recently received substantial support in the Bush Administration's Presidential Management Agenda (PMA), released in 2002. In theory this customer-driven approach forces government to be more accountable and responsive to the people. Too often, according to the proponents of this approach, traditional arrangements are designed to serve the needs and interests of those in the bureaucracy or those in political office rather than the needs and interests of those benefiting from government services--the customers.

Serious questions have been raised about whether long-term improvements in government administration will occur as a result of reinvention. Two factors pose substantial problems for the current reform effort: 1) the inherently political nature of administrative activity and 2) the importance of equity as a value in public administration. *The Politics Problem*; politics should not determine how administration is to be practiced. Woodrow Wilson's (1887) famous essay is the earliest and perhaps the best-known statement of this perspective. As we now know, time soon proved the politics/administration dichotomy to be conceptually and intellectually naive. It became all too clear that it would be difficult, if not impossible, to remove politics from administrative activity. Additionally, legislative oversight is one of the primary means available to control the exercise of bureaucratic discretion. Many of the propositions central to the reinvention movement are premised on the same assumptions that had earlier supported the politics/administration dichotomy. The distinction by reinventing advocates such as Osborne and Gaebler (1992) between *steering* and *rowing* most clearly exemplifies this similarity. Government should establish policy priorities, while empowered managers within the bureaucracy devise the best means of achieving those goals. Elected executives retain

responsibility for leadership but there is neither recognition of nor appreciation for the role the legislature or the courts should play in the administrative process. The decentralization of authority may be impossible to achieve fully. In the end, politics may not be so easily dismissed as the reinventors would have us believe. *The equity problem*; Under reinvention, efforts to ease restrictions and procedural controls on public managers to allow for innovative approaches to the operation of government programs are designed to promote economy and efficiency. The danger is that other values may be compromised while efficiency is increased. One of the most important of these additional values is equity or fair treatment for all people subject to a government's jurisdiction. Reinvention seeks to reduce red tape. Concern for the preservation of equity in public administration may ultimately stand in the way of much of the reinvention agenda. Should the reform movement proceed despite such concern, the potential for inequity in the public service could significantly increase.

While the effectiveness and concerns of reinventing government can be debated, the public support for improving performance and accountability for managers in government continues to increase. Unlike similar changes in financial and management practices in the federal public sector that have come before, including Zero-Base Budgeting, Planning-Programming-Budgeting System (PPRS), Managing by Objectives (MBO), and Total Quality Management (TQM), the current reinvention effort have advocacy grounded in law. The laws include the Chief Financial Officer's (CFO) act of 1990 (P.L. 101-576); the Government Performance Act (GPRA) of 1993, now referred to as the Results Act (P.L. 103-62); the Government Management Reform Act (GMRA) of 1994 and the Information Technology Management Reform Act (ITMRA) of 1996 (P.L.104-106). This change in advocacy, from Presidential Administrations, (Executive branch of government) to law, (Legislative branch of

government) has changed the landscape for Federal managers and future Presidential Administrations.

The Bush Administration has embraced reinventing government reform and improving government performance, as was evident in 2002, when the President sent to Congress his strategy for improving management and performance of the federal government. His strategy entitled The President's Management Agenda (PMA) is guided by three principles. "Government should be: Citizen-centered, not bureaucracy-centered; Results-oriented; and Market-based, actively promoting rather than stifling innovation through competition" (White House, 2002, p. 4). The PMA focuses on performance and results. The strategy identified five government-wide and nine agency-specific goals to improve federal management and deliver results that matter to the American people, many of which center on decentralization of authority and customer orientation.

Government Performance Results Act

From my perspective as a law enforcement officer for over 30 years, 20 of which has been with DEA and since 1998 as a member of the Senior Executive Service (SES) in government; of those legislations signed into law in the last decade, GPRA has had the most impact on the DEA. The GPRA of 1993 has its roots in three other major federal legislative movements, (Axelrod, 1995, p. 338).

First, being the landmark Budget and Accounting Act of 1921, which lodged responsibility for government-wide administrative improvements in the Bureau of the Budget (BOB), the precursor of OMB. Second, the influential Bronlow Committee Report of 1937, which was instrumental in shaping the Executive Office of the President

(EOP), arguing that BOB was the logical staff agency for stimulating management improvements. Third, after Congress in 1939 approved the creation of EOP with BOB as one of its major constituent units, President Roosevelt issued Executive Order 8248, which gave BOB a broad charter for management improvements.

These earlier focuses on operational efficiency, with policy development and program evaluation, did not stay in the forefront of federal government. It was not until the 1980s and early 1990s; that revenue shortfalls and national debt fostered an emphasis on management improvement to achieve efficiency, cost reduction, productivity, automation, tight financial management, the elimination of waste, and the eradication of red tape.

The legislation was introduced by U.S. Senator William Roth of Delaware as S.3154, *The Federal Program Performance Standards and Goals Act of 1990*. The purpose of the bill was to “provide for establishment and evaluation of performance standards and goals for expenditures in the federal budget”, (Breul, 2003, p. 59). During the years to follow, the legislation went through several drafts and was retitled the Government Performance and Results Act (GPRA) of 1992, when it was co-sponsored by Senators Glenn, Roth and Cohen and eventually signed into law by President Clinton in 1993. During the ceremonial signing, President Clinton remarked:

The law simply requires that we chart a course for every endeavor that we take the people’s money for, see how well we are progressing, tell the public how we are doing, stop the things that don’t work, and never stop improving the things we think are worth investing in, (Breul, 2003, p. 58).

The law seems simplistic in nature. Congress; however, recognized the complexity of the issue, provided a four-year window for federal agencies to implement the GPRA. To assist in the implementation phase the Office of Management and Budget (OMB) was assigned oversight responsibility and “over 70 pilot programs, covering an estimated \$50 billion worth of federal programs and involving a quarter of the executive branch work force were planned”, (Barr, 1997, p. A17). The pilot programs were initiated during a four-year window and provided federal agencies with feedback to assist in the implementation process. According to Breul, 2003 GPRA has three cornerstones, (p. 59):

STRATEGIC PLANS-Agencies, in consultation with Congress develop five-year strategic plans that must contain (1) a comprehensive mission statement for the agency and (2) long term results-oriented goals covering each of its major functions. The initial strategic plans were due to OMB and Congress in September 1997. Updates are due no later than every three years thereafter.

ANNUAL PERFORMANCE PLANS-Agencies are required to prepare annual performance plans that (1) establish the performance goals for the applicable fiscal year, which generally must be expressed in objective, quantifiable and measurable form, (2) briefly describe means and strategies needed to meet the goals and (3) describe the means used to verify and validate performance. In addition to the agency plans, OMB submits an annual government wide performance plan as part of the President's budget. The first

round of agency performance plans and the first government wide performance plan were due in February 1998 for fiscal year 1999.

ANNUAL PERFORMANCE REPORTS-Agencies are required to prepare annual performance reports that review the agency's success in achieving its performance goals for the applicable fiscal year and explain and describe where performance goals have not been met. The first round of annual performance reports was by the end of March 2002, covering the agency performance goals for fiscal year 1999. Starting the fiscal year 2002, the Annual Performance Reports are combined with the agency's financial statements in a Performance and Accountability Report.

So after four years, how did the pilot programs fare? A report issued by the Government Accounting Office (GAO) in 1997 presented mixed results. GAO recognized a few agencies for adopting a disciplined approach to setting goals and measuring their performance. "It cited the Coast Guard, Veterans Health Administration, Social Security Administration, Food and Drug Administration, the U.S. Mint and the Defense Logistics Agency as positive examples and identified several challenges to agencies in implementing GPRA" (Barr, 1997, p. A-17:4):

- 1) Overlapping and fragmented programs... GAO said split responsibility [can undermine efforts to establish clear missions and goals].
- 2) Limited or indirect influence in determining whether a program achieves the desired results. Regulatory agencies...and agencies that deliver services through third parties...face difficult challenges.

- 3) Lack of information on program performance. Even when the data exist, the GAO said its studies consistently questioned the quality and accuracy of the information.
- 4) Linking agency performance plans directly to the budget process. A number of programs will have to change their structure or procedure to link program goals and taxpayer dollars, a prospect that GAO predicted will plunge Congress and agencies into a [time-consuming and difficult process].

The issues cited by GAO, provide some insight into why there was an elevated level of frustration demonstrated during a June 1997 Senate Appropriations Committee meeting, chaired by Sen. Ted Stevens (R-Alaska). "Frustrated by the failure of most government agencies to devise a new way of measuring their effectiveness, the chairman...threaten to penalize them financially", (McAllister, 1997, p. A17). Senator Fred D. Thompson (R-Tenn.) chairman of the Governmental Affairs Committee later in the day added to the mix, "It should come as no surprise that those agencies that have had a history of poor management have had difficulty implementing the law", (McAllister, 1997 p. A17). These same challenges that surfaced during the GAO review and provided us with insight as to the 1997 political perceptions on Capital Hill would later prove to be tremendous challenges to the Drug Enforcement Administration (DEA).

As Federal agencies continued to grapple with reinvention government and come into compliance with the GPRA, Congress also struggled with their added burden of increased responsibility. Suggesting that future agency annual budgets be tied to performance results also raised more questions than answers. Many agencies had to be dragged to *the table of accountability* and their responses were as varied as the agencies. Enriqueta Bond co-chair of a 2001 National Academies panel, convened to exam how several agencies were responding to the

GPRA said it best “ Each agency was trying to comply with GPRA in its own way, with its own unique blend of customs”, (Neil, 2001, p. 5). Expertise in developing strategic planning and performance measurements, comities rare in federal government, also had to be sought out in the workforce. Often these skill set, when lacking, were developed simultaneously as action plans were being developed or implemented. Congress too continued to ask questions of agencies and of GPRA itself. Congressional hearings included one held by the House Subcommittee on Government Management, Information and Technology entitled *Seven years of GPRA: Has the Results Act Provided Results*. Testimony centered on changing elements of GPRA. Maurice McTigue, a visiting scholar at the Mercatus Center at George Mason University and an elected member of the Parliament of New Zealand provided testimony that advocated against change. McTigue cautioned, that the New Zealand experience with government reinvention was successful; however, results take time and the short period in which GPRA had been enacted was not sufficient for U.S. lawmakers to render a thorough evaluation. McTigue (2000, p. 732) testified:

There may be some who would like to consider making changes to the GPRA. I would recommend caution. What must be taken into account is that while the Act was passed in 1993, Congress stipulated that it not take effect until the 1999 fiscal year. So in considering change, remember that there is only one year’s experience upon which to base decisions for change.

The test of time, congressional hearings, debates, editorials and extensive analysis did little to change the original three salient points of GPRA: Strategic Plans: Annual Performance Plans:

and Annual Performance Reports. Misunderstood by some in government and perceived to be a tremendous challenge to others, the principles of GPRA remain intact and the focus of much energy in today's federal bureaucracies.

The Drug Threat

Given the threat that our nation faces struggling with the ills and inherit crimes of violence associated with illicit drug abuse, it comes as no surprise that GPRA would play a significant role in future federal efforts to combat illicit drugs. In February 1998, the White House released data concerning drug trafficking and abuse that provides some very interesting insight as to the magnitude of the problem. Some highlights from the report:

- Americans spend \$57 billion dollars on illicit drugs annually
- An estimated 13 million Americans are current drug users
- 1.5 million Americans were arrested for drug-related violations
- During the past year over 60% of all males arrested from selected cities across the nation, tested positive for illicit drug use at the time of their arrest
- Federal illicit drug seizures for cocaine, heroin and marijuana continue to increase
- The social costs of drug use are estimated to be more than \$67 billion a year, with the majority of these cost being crime related

The Office of National Drug Control Policy (ONDCP) announced this snapshot of our nation's illicit drug trafficking and abuse problem, as President Clinton transmitted The 1998 National Drug Control Strategy; A Ten Year Plan, to Congress. President Clinton decreed in his letter to

Congress, "The strategy is designed to reduce drug use and availability in America by half over the next 10 years—a historic new low", (ONDCP, 1998a, piii).

ONDCP, established as a component of the Executive Office of the President (EOP) because of the Anti-Drug Abuse Act of 1988, was charged to set priorities, implement a national drug strategy and certify federal drug control budgets. The 1998 National Drug Strategy was purported by the Clinton Administration to be a departure from previous strategies and incorporated the requirements of the GPRA. The strategy was presented to the American people as being outcome-oriented, comprehensive, long-term, wide-ranging, realistic, and science-based and driven to accomplish five goals and thirty-two support objectives. The goals of the 1998 Strategy, (ONDCP, 1998a, p3):

Goal 1: Educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco.

Goal 2: Increase the safety of America's citizens by substantially reducing drug-related crime and violence.

Goal 3: Reduce health and social cost to the public of illegal drug use.

Goal 4: Shield America's air, land, and sea frontiers from the drug threat

Goal 5: Break foreign and domestic drug sources of supply

Performance Measurements of Effectiveness

In concert with the release of the 1998 National Drug Control Strategy, ONDCP published a second document, entitled Performance Measures of Effectiveness (PME): A System for Assessing the Performance of the National Drug Control Strategy, identified as the tool for

evaluating the progress of our Nation's drug control efforts. The PME went beyond the requirements of GPRA; it encompassed all Federal agencies, State and local governments, foreign governments, the private sector, society and proposed a much more comprehensive set of performance measures. ONDCP announced, "The PME responds to a public call for results-oriented government. In the area of drug control policy, this means increased accountability and improved performance for our total drug control efforts", (ONDCP, 1998b, p.v). The performance measurements focused on three overarching goals:

- In the area of overall drug use, the target was a 50 percent reduction by 2007 in the rate of illegal drug use in the United States compared with that in 1996;
- In the area of drug availability, the aim was a 50 percent reduction by 2007 of the available supply of illicit drugs in the United States compared with that in 1996; and
- In the area of drug use consequences, the target was a 30 percent reduction by 2007 in the rate of crime and violent acts associated with drug trafficking and drug abuse compared with that in 1996. In addition, this theme targeted a 25 percent reduction by 2007 in damaged health and social costs attributable to drug use as measured by annual estimates of the social cost of drug use.

The nucleus of the PME system "consisted of 12 Impact Targets: key performance targets that defined desired end states for the Strategy's 5 goals and another 82 performance targets which reflected national progress toward the 32 supporting objectives" (ONDCP, 1998, p.v). Together

these measures were intended to provide critical information to policy makers and provide programmatic direction.

While there are many federal, state and local law enforcement agencies, participating in the national anti-drug strategy, there is only one federal agency that has drug law enforcement as its core mission, that being the Drug Enforcement Administration (DEA, 2004b, p. 1).

DEA Mission statement

To enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice systems of the U.S., or other competent jurisdiction, those organizations and principle members of organizations involved in the growing, manufacturing, or distribution of controlled substances appearing in or destined for illicit traffic in the U.S., and to recommend and support *enforcement** programs aimed at reducing the availability of illicit controlled substances on domestic and international markets.

* Recently changed from non-enforcement to enforcement.

DEA was established on July 1, 1973, by President Richard Nixon with Executive Order 11727, with the intent of combining the national federal drug law enforcement effort into one bureaucracy, (DEA, 2003 p. 13). That is a bureaucracy, as a formal organization as defined in part by Max Weber, "which involves clear-cut division of integrated activities which are regarded as duties inherent in the office" (Merton, 2001, p 103.). Unlike many federal law enforcement bureaucracies who have singular political appointed agency heads, the DEA has

two political appointees serving as the Administrator and Deputy Administrator. Therefore, fulfilling the definition as espoused by Shafritz “that a pure type of bureaucratic official, is appointed, either by a superior or through the exercise of impersonal competition”, (Shafritz 2001, p. 103). Today, over 30 years later the agency has offices in over 50 countries, in every state and has over 9,500 employees. Based upon the scope of the organization and the uncertainty of the external criminal elements and the writings of James D. Thompson that “complex organizations are open systems, hence indeterminate and faced with uncertainty”, (Shafritz 2001, p. 272) DEA should also be considered a complex open system organization. The expectation that DEA would play a significant role implementing the 1998 National Drug Control Strategy came as no surprise. Four of the five strategic goals had direct implication for the DEA:

Goal 1) Educate and enable America’s youth to reject drugs as well as alcohol and tobacco was directly associated with the demand reduction responsibility of the DEA, in which the agency plays an active role with prevention organizations and non-governmental organizations (NGO) attempting to influence the youth of our country to avoid the pitfalls of illicit drugs;

Goal 2) Increase the safety of American citizens by substantially reducing drug related crime and violence. DEA criminal investigations involving drug trafficking often concern crimes of violence and in the case of local impact investigation, the investigation usually target violent criminal organizations;

Goal 4) Shield America’s air, land and sea frontiers from the drug threat is directly related to the DEA investigations that involve smuggling operations and are routinely worked in conjunction with federal border security elements;

Goal 5) Break foreign and domestic drug sources of supply is directly associated with DEA's efforts targeting those organizations and principle members of organizations involved in the growing, manufacturing, or distribution of controlled substances appearing in or destined for illicit traffic in the U.S..

It is often said the devil is in the details, and in government publications, usually the details are buried in the Appendix Section of the publication. In Appendix B of Performance Measures of Effectiveness-A system for Assessing the Performance of the National Drug Control Strategy 1998-2007, there are 94 performance measures identified. Each measurement had a written description and agency assignments, as Reporting Agency or Supporting Federal Agency. The DEA was assigned Reporting Agency status for 13 performance measures and assigned Supporting Agency status for an additional 24 performance measurements. The Department of Justice (DOJ), in which the DEA is a component agency (DEA reports to DOJ), was also assigned Reporting Agency status for 13 other performance measurements and Supporting Agency status for 20 other performance measurements. In the federal government, based on the nature of the assignment, it is common for a Department such as DOJ to reassign reporting requirements to component agencies within the Department. Keeping this mind a review of the responsibilities assigned to DOJ would indicate that DEA would probably inherit an additional 13 Support Agency status assignment, bringing the total of performance measurements assigned to DEA either as the reporting element or the supporting element to 50.

A thorough review of all 94 targets and measurements contained in the PME revealed that while many targets and measurements are relevant to the illicit drug threat facing our nation, the targets and measurements of effectiveness concern issues of availability of illicit drugs appear puzzling. If you will recall when the PME was released by ONDCP and President Clinton

transmitted to Congress the 1998 National Drug Control Strategy, it was announced by the White House:

The strategy is designed to reduce drug use and availability in America by half over the next 10 years—a historic new low... and there are 94 performance targets that demonstrate the Strategy's overall impact on drug use, availability, and consequences (ONDCP, 1998 p. vi).

It would appear from the public announcement that reducing the availability of illicit drugs was a priority for the federal government and pursuant to responding to the public call for result-oriented government and accountability in government; those charged with the responsibility had the means to set realistic goals, accurately measure results and report their effectiveness.

Unfortunately, while I believe the desire was there to reduce the availability of illicit drugs, the federal government was in no position to set a goal of reducing the availability of illicit drugs in America by 50 percent, nor to accurately measure or report the efficiency of inter-agency efforts impacting the availability of illicit drugs in America. My assertion is supported from excerpts from the same two publications that announced both the 1998 Nation Drug Control Strategy and the PME, a system for assessing the performance of the strategy. Throughout both documents are numerous examples that the extent of illicit drug availability was unknown to policy makers, and elected officials, when President Clinton made the announcement that "The strategy is designed to reduce drug use and availability in America by half over the next 10 years—a historic new low", (ONDCP, 1998, p. iii). Despite extensive efforts to develop accurate estimates on the availability of illicit drugs, research had been

unsuccessful in determining accurate estimates of illicit drug availability. The strategic goals were established without the benefit of a defined threat and an accurate means to evaluate performance.

Excerpts from the two government publications that exemplify this position:

The National Drug Control Strategy, 1999 A Ten Year Plan

Problems Estimating Drug Availability:

Information about quantities of illegal drugs imported to the United States or cultivated or produced within the United States is imprecise...methodologies for estimating heroin, marijuana, methamphetamine, and other drug availability have not been developed, (ONDCP, 1998a, p.7)

Heroin Availability:

Information about the price and purity of heroin is extremely imprecise, (ONDCP, 1998a p. 9).

Marijuana Availability:

While marijuana is the most readily available illegal drug in our nation there is currently no methodology to determine the extent of cannabis cultivation within the United States, consequently, there is no national survey or accepted estimate of domestic cultivation, (ONDCP, 1998a, p. 10).

Methamphetamine Availability:

Methamphetamine is by far the most prevalent synthetic controlled substance clandestinely manufactured in the United States, (*no estimates offered in the publication*), (ONDCP, 1998a, p. 11).

Cocaine Availability:

Between 287 and 376 metric tons of cocaine are estimated to have been smuggled into the United States in 1995, (an estimate with a range in excessive of 195,000 pounds and three years old), (ONDCP, 1998a, p. 9).

The National Drug Control Strategy Performance Measurement System

Supply Reduction:

There are no official government estimates of the available supply of illicit drugs in the United States...Official drug flow estimates are needed to assist the drug community to better measure progress in reducing the availability of these drugs.... Developing an official estimate of the available supply of drugs is critical especially since measures of price and purity may not provide credible signs of progress. (ONDCP, 1998b, pp. 13-14).

Can the Impact Targets Be Achieved in 10 years?

As previously discussed, no official Government estimates of the flow of drugs exist.

This means there is no historical evidence to evaluate the plausibility of the goal for reducing availability, (ONDCP, 1998b p. 20).

Plausibility of the Impact Targets: (Supply Reduction Targets)

The U. S. Government does not possess [official] estimates of the available supply of drugs for heroin, marijuana, and methamphetamine... Complete information on domestic law enforcement seizures is not available, so we cannot illustrate the traffickers' success rate inside the United States... There are no estimates of U.S. cultivation and production of drugs. It is time to at least attempt to construct such estimates, especially for purposes of supporting this PME system, (ONDCP, 1998b, pp 39-51).

Targets and Measures:

In some cases, data for the proposed targets and measures do not exist and need to be developed. For example, estimates of drug availability and the true size of the chronic drug user population need to be developed. If data cannot reasonably be collected, alternative targets and measurements will be sought, (ONDCP, 1998b, p. 53).

These excerpts shine a very different light on using availability of illicit drugs as an effective performance measurement. It is obvious that the federal government was in no position to set a goal of reducing the availability of illicit drugs in America by 50 percent, nor to accurately measure or report the efficiency of inter-agency efforts on the following goals, (ONDCP, 1998b, pp.67, 90, 91):

- 1) By 2002, reduce drug availability in the United States by 25 percent as compared with the estimated 1996 base year. By 2007, reduce illicit drug availability in the U.S. by 50 percent from the base year.
- 2) By 2002, reduce by 10 percent the rate at which illicit drugs of U.S. venue reach the U.S. customer, as compared with the 1996 base year. By 2007, reduce this rate by 20 percent over the base year.
- 3) By 2002, reduce the production of methamphetamine and cultivation of marijuana in the United States by at least 20 percent as compared to the 1996 base year and by 2007 reduce by 50 percent the production of methamphetamine and the cultivation of marijuana as compared to the base year.

The evidence is clear; in 1998 the illicit drug threat facing our nation was not and perhaps could not be accurately identified using availability of illicit drugs as a gauge. Relevant and effective performance measurements were not developed; and there was an obvious disconnect between the Administration and the popular theme in government, "to build upon the trend in government towards increased accountability and integrated the concept into the national drug control effort", (ONDCP 1998, p. 1).

To assist in the discussion concerning availability of illicit drugs as an effective performance measurement, I would like to refer to a case study, admittedly limited in nature; however, does present some interesting aspects. When Congress established the ONDCP in 1988, five geographic areas in the United States were also designated as High Intensity Drug Trafficking Areas (HIDTA). These communities received increased federal funding and were directed by ONDCP to develop action plans in cooperation with federal, state and local law

enforcement to combat drug trafficking in their specific areas of responsible. Ten years later, ONDCP announced a new drug strategy, which focused substantial emphasis on the supply and demand of illicit drugs. In particular, the strategy forecasted by 2002, the availability of illicit drugs would be reduced by 25 percent, and all HIDTA communities were encouraged to produce reductions in the availability of illicit drugs.

In 2003, to assess in determining the effectiveness of using availability of illicit drugs as a law enforcement performance indicator this author initiated a pilot project. It was deemed impractical to evaluate the national effort and effectiveness of this performance measurement; therefore, the pilot study was confined to the Houston HIDTA. This geographic area was one of the original five HDTAs and comprised of 15 counties in south Texas. Through the analysis of secondary data from Federal, state and local law enforcement, research studies, web site resources and the collection of primary data through structured interviews, from area law enforcement experts, it was determined that availability of illicit drugs, as a performance measurement was not an appropriate measurement of effectiveness in the Houston HIDTA area of responsibility..

This conclusion was based upon the inability of law enforcement to accurately estimate the availability of illicit drugs in the Houston HIDTA and from responses to a survey instrument (Appendix-A), which incorporated extensive interviews from a cross section of law enforcement experts. The experts representing federal, state and local law enforcement agreed that all available drug threat assessment for the Houston HIDTA region for 1998-2001 were unreliable and based on the threat to the community involving illicit drug transportation organizations; local assessments on drug abuse were not relevant. The experts drew upon their extensive experience in the field of law enforcement, education and intelligence reports. Their conclusion was

supported by a substantial body of evidence that tremendous amount of illicit drugs that transient the state of Texas are destined for other markets in the country. Therefore, seizures of illicit drugs that occurred in Texas would have little impact on the local drug market, given the tremendous amount of illicit drugs available. "It was the consensus that accountability for law enforcement is necessary; however, availability of illicit drugs in a specific geographic area, as a performance measurement was not appropriate"; (Whaley, 2003, p. 10).

In January 2001 the Bush Administration replaced the Clinton Administration and in February 2002 ONDCP published a report. The report entitled *2002 Final Report on the 1998 National Drug Control Strategy, Performance Measures of Effectiveness* provided an assessment of the Clinton Administration's 1998 National Drug Control Strategy and the 1998 PME report. The report concentrated on progress made up to the third year of the ten-year 1998 Strategy. Since the milestones in the 1998 strategy were set at five years and ten years intervals, a glide path system was used to conduct an analysis. Results were either on track or off track. Concerning reduction in illicit drug availability in the United States progress was reported off track and additional highlights concerning availability were as follows, (ONDCP 2002a):

Calculations of the availability of cocaine, heroin and marijuana, based on estimated consumption, indicated that progress was off track for each drug...Data for methamphetamine is still under review...interdicting the amount of cocaine through the transit zones was on track for cocaine, the only drug which we have a viable drug flow model. Progress at interdicting other drugs in the transit zone and arrival zones cannot, at present be estimated...progress towards reducing the amount of cocaine exported from source countries remained off track. Data for methamphetamine is still under review.

Despite three more years of data collection and extensive research, no data was available to measure the progress in the reduction of domestic trafficker success concerning marijuana and methamphetamine. Nor was there a reliable method of assessing the rate at which marijuana and methamphetamine produced in the U.S. reached drug customers in the U.S. market. It was also noted that progress on impacting drug availability in the U.S. was “off track for three each of the four primary illegal drugs (cocaine, heroin, and marijuana, and methamphetamine), for the third consecutive year for heroin and marijuana, and the second consecutive year for cocaine” (ONDCP 2002a p. 15). The report concluded that “As of 2000, the third year of the 1998 Strategy, overall progress was insufficient to achieve the long-term targets for reducing drug use, availability, and its consequences”, (ONDCP 2002a, p. 27).

At the same time in 2002, a new National Drug Control Strategy was published to reflect the Bush Administration’s blueprint for federal, state, local and private sectors on drug control policy. The strategy was a departure from the previous Administration’s and “concentrated on three national priorities: 1. Stopping drug use before it starts; 2. Healing America’s drug users and 3. Disrupting the market”, (ONDCP, 2002c, p.1). Now instead of five goals, with 32 supportive objectives, measured by 12 impact targets and 82 performance targets in the ten year 1998 strategy; now in the 2002 National Drug Control Strategy there were two-year goals and five-year goals, measured by four performance measurements. Which actually broke down to one performance measurement concerning illegal drug use with two age categories over a five year time period with two milestones.

Two-Year Goals:	A 10 percent reduction in current use of illegal drugs by the 12-17 age group
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	A 10 percent reduction in current use of illegal drugs by adults age 18 and older
Five year Goals:	A 25 percent reduction in current use of illegal drugs by the 12-17 age group
	A 25 percent reduction in current us of illegal drugs by adults age 18 and older

While the priorities or critical mission areas of both strategies were similar concerning the issues surrounding drug use, strikingly omitted from the earlier strategy were all references concerning availability of illicit drugs as a performance measurement. Not to the say that the desire to reduce the supply of illicit drugs abated, on the contrary, reducing the supply of illicit drugs was identified as a critical element in the disrupting the market portion of the strategy. It was however, not included as a performance measurement of effectiveness in the 2002 National Drug Strategy.

2002 Drug Availability Estimates in the United States

In December 2002 leading experts in the fields of federal drug law enforcement, policy and intelligence, published a document entitled *Drug Availability Estimates in the United States*. DEA chaired the steering committee which was responsible and comprised of nine other members including: The Office of National Drug Control Policy, Department of Justice, Department of State, Department of Defense, U.S. Coast Guard, U.S. Coast Guard, U.S. Customs Service, Crime and Narcotics Center, National Drug Intelligence Agency and the El Paso Intelligence Agency. The study was undertaken in response to a request from U.S. Attorney General John Ashcroft, to assist the federal government in attempting to determine the quantity of illicit drugs available to drug users in the United States. The final report covered a wide range

of issues concerning developing models to accurately estimate availability of primarily four illicit drugs; Cocaine, Heroin, Methamphetamine and Marijuana. Reference Table #1 below:

Table 1: Drug Availability Estimates and Federal Seizures in Calendar Year 2001

DRUG	Maturity of the Methodology	Street Availability in 2001 (pure metric tons)	Federal Seizures in 2001 (metric tons)
Cocaine	Approved	260-270	106
Heroin	Pending	13-18	2.5
Methamphetamine	Preliminary	110-140	3.6
Marijuana	Preliminary	10,000-24,000	1,215

Estimates were produced; however, policymakers were cautioned as to the limitations of the estimates,” There is significant uncertainty in these estimates due to the illicit and clandestine nature of the various drugs, and the limited data currently collected to aid in these analyses. Therefore, caution is urged in the application of these estimates,” (ONDCP 2002b, p. xi). It should also be noted that the availability estimates were presented in ranges and in some cases, as in marijuana a wide range. The methodology for each drug estimate was also qualified based upon the maturity of the methodology, which I would translate to mean, the level of certainty of the estimate, expressed by the steering committee. The levels of methodology maturity were defined as follows:

Approved:	Had consistency among various independent data sets
Pending:	Reflected that it is in development and requires further analyses to determine its validity
Preliminary:	Used first-time approaches and require more data to reduce their uncertainty

In consideration of (Table 1), three of the four illicit drugs researched had wide ranges of estimated availability and the same three required further analyses to determine their validity. The committee concluded, (ONDCP, 2002, p. xiii):

In summary, improved drug availability estimates are necessary to support decision-makers' need to understand the scale of the drug problem in America... It is imperative that policymakers and the Congress fund additional data collection systems to make any real progress in developing reliable estimates that will contribute to reasoned shifts in policy and strategy, (ONDCP 2002, p. xiii).

In 2003 as our nation continued to struggle with drug abuse as reported in the National Survey of Drug Use and Health (NSDUH), administered by the Substance Abuse and Mental Health Services Administration reported "that an estimated 19.5 million (8.2%) of Americans ages 12 and older were current illicit drug users- unchanged from 2002", (ONDCP, 2004, p.1). The Department of Justice (DOJ) was developing a five-year strategic. The DOJ 2003-2008 strategic plan covered a wide range of goals and objectives, including strategic objective and annual goal 2.2: Drugs. The DOJ Strategic Plan focused on drug abuse as did the ONDCP; however, emphasis was placed on reducing the availability of illegal drugs by 10 percent over 5 years, as a performance measurement of effectiveness. Specifically the strategy stated, (DEA, 2004, p.1):

Given the inherent relationship between drug supply and drug demand, the

Department's strategy plays an important role in achieving the President's overall goal of reducing drug use by 10 percent over 2 years and 25 percent over 5 years. Specifically, the DOJ strategy mounts a comprehensive multi-level attack on the highest levels of drug trafficking and money laundering organizations, as the central means of accomplishing Priority III of the President's National Drug Control Strategy - Disrupting the Drug Market.

In 2004, subsequently to the decision of the DOJ to establish the availability of illicit drugs in the United States as a performance measurement, DEA as a component of the DOJ developed goals, objectives and strategies that conformed to the DOJ goals, including reducing the availability of illegal drugs in America. To accomplish the goals and objectives, IDEA, 2004a, p. 2):

The DEA strategic plan aligned resources into strategic focus areas designed to identify the characteristics and exploit the vulnerabilities of all levels of the illicit drug trade by assessing, targeting, and linking the most significant drug, chemical and money laundering criminal organizations for disruption and dismantlement.

The decision to incorporate, availability of illicit drugs, into DEA's 2004 performance measurements was also influenced by a 2003 report prepared by the Office of Management and Budget (OMB) that was critical of DEA. OMB in conjunction with GPRA developed an instrument known as The Program Assessment Rating Tool (PART), as one source of input during budget analysis. The PART "assessed four critical areas – purpose and design, strategic

planning, management, and results and accountability” (OMB, 2003, p181). During the first round of reviews conducted by OMB in 2003, the DEA received a rating of *Results Not Demonstrated*. This PART assessment in essence reported that the DEA lacked adequate measures to judge their performance and that the DEA field managers were not being held accountable. Subsequently this report was leaked to the press and became a national story, criticizing DEA performance and management. Within the senior ranks of the DEA leadership, the report was not well received and would later be a point of numerous debates and discussions. In the end, DEA leadership following the lead of the DOJ strategy adopted a new FY 2003-2008 Strategic Plan, that was contingent upon impacting the availability of illicit drugs and subsequently deemed adequate by OMB.

In summary the literature review has provided a wealth of information concerning public administration reform and the many issues associated with illicit drug trafficking and abuse. Unfortunately, despite extensive research and inter-governmental cooperation, today, the federal government does not have an accurate estimate of the availability of illicit drugs in America. This short-coming, while recognized by many in government, has not persuaded elected officials and policy makers from developing performance measurements of effectiveness for federal law enforcement; that are contingent upon measuring an impact on the availability of illicit drugs.

Methodology

The research question concerning performance indicators will be addressed through a review of secondary data related to public administration reform, effective performance measurements and issues associated with illicit drug availability. Together with primary data collected by the author as a participant observer, with over thirty years experience in drug law

enforcement, coupled with a survey instrument administered to law enforcement experts, the research methodology will provide data to assess the effectiveness of measuring an impact on illicit drug availability as a law enforcement performance measurement for the DEA.

Results and Findings

A review of the secondary data collected and analyzed provides an extensive record concerning the origins of the reinventing government movement and our latest approaches to an age-old question. *How to improve government performance and accountability?* A significant development in this arena, which has had the most impact on the DEA, has been the signing into law of the Government Performance Result Act of 1993 (GPRA). This legislation to reform government, built upon three cornerstones; Strategic Plans, Annual Performance Plans and Annual Performance Reports, continues to be the subject of much debate. Studies and legislative over-sight have determined that government agencies face several challenges implementing GPRA and the DEA is no exception. The DEA has attempted to respond to the requirements of GPRA; however, several independent audits have reported that "DEA has failed to meet key aspects of the law", (OIG, 2003, p.1).

Audits

The General Accounting Office (GAO) and the Office of Inspector General (OIG) have issued numerous reports related to DOJ's implementation of the GPRA from 1999 to 2003. The following highlights from the GAO reports and OIG report address issues specifically related to the DEA, (OIG, 2003 pp 3-5):

In 1999 the GAO reported that the DEA had not developed measurable performance targets for its programs and initiatives that were consistent with those adopted for the National Drug Control Strategy. As a result, it was difficult for the DEA, the Department of Justice, Congress, and the public to assess how effective the DEA had been in achieving its strategic goal and the effect its programs and initiative have had in reducing the illegal drug supply.

In 2000 the OIG reported that the DEA had either not established any numeric targets or the numeric targets were not realistic. The DEA also had not included several of the Department of Justice's performance goals in its performance plan.

In 2000 the GAO reported that the DEA FY 1999 domestic drug-related performance goals were not directly measurable. Moreover, the indicators used by the DEA, while quantifiable, were more output than outcome oriented.

In 2001 the GAO reported with respect to the DEA and its availability and/or use of illegal drugs performance measure, the GAO reported that it was difficult to determine the DEA's progress because the DOJ did not have fiscal year performance targets for two of its five indicators, and the relationship of one measure to the outcome was not clear.

The most recent audit published in September 2003, conducted by the U.S. Department of Justice, Office of the Inspector General (OIG) highlighted the following:

DEA's strategic goal and objectives were not definitive enough to allow for an assessment or whether the goal and objectives were being achieved. In addition, even though the DEA had established performance indicators for all of its budget decision units, it had not established:

- specific criteria for its field divisions to designate organizations as "priority target" organizations, which is a key element of its strategic goal;
- specific criteria for its field divisions to report on the primary performance indicator-priority target organization disrupted or dismantled;
- an effective system to collect, analyze, and report performance data for all of its performance indicators;
- procedures to verify the performance for all of its performance indicators;
- accurate performance data for one of the five field divisions included in our review; and
- reasonable performance goals for its performance indicators,

While some areas of concern identified in the recent IG report were addressed by developing some working definitions or redeveloping implementation guidelines, other areas have defied a satisfactory solution. As you will recall between 1993 and 19997, as part of the implementation plan for GPRA "over 70 pilot programs, covering an estimated \$50 billion worth of federal programs and involving a quarter of the executive branch work force were initiated", (Barr, 1997, p.59). In 1997, GAO conducted a study of the pilot programs and identified several potential challenges facing agencies in implementing the requirements of GPRA. A review of

those GAO findings provides some insight concerning DEA's struggle implementing GPRA.

Highlights from the 1997 GAO report, (Barr, 1997, p. A-17:4):

- 1) Overlapping and fragmented programs... GAO said split responsibility (can undermine efforts to establish clear missions and goals).

The National Drug Control Strategy is the blueprint for all federal anti-drug efforts and is developed by ONDCP in consultation with a variety of experts and officials. In 2003,"ONDCP consulted with both houses of Congress and 15 federal agencies. At the state and local level, 55 Governors were consulted, as well as National Governors Association, U.S. Conference of Mayors and National Association of Counties", (ONDCP, 2004, p.53) . It is through this consultation and inter-agency review that the goals and objects of the strategy are developed. The DEA role, while significant is but one voice in the group, which contributes towards establishing the national goals and objects. Additionally in compliance with GPRA and DOJ policy, DEA must consider and coordinate with both the DOJ drug strategy and the ONDCP drug strategy, when the agency develops its' own goals and objectives, thus limiting the agency's flexibility in developing relevant, measurable goals and objectives.

Concerning the point stressed by GAO on overlapping and fragmented programs undermining agency efforts to establish clear missions and goals, a review of the drug trafficking threat facing our nation provides volumes of evidence as to why DEA continues to struggle with this issue. Drug trafficking is a global problem and criminals do not recognize nations, borders or treaties. Illicit drugs and their ill proceeds, along with the inherent crimes of violence transcend every corner of the globe. In response to this threat, civilization has responded and

enacted laws and regulations to combat the evils of drug abuse. Law enforcement on the other hand, appropriately so recognizes nations, borders and treaties; therefore, limiting the scope and influence any one-law enforcement agency can have on a global problem. Complicating the matter further, is that, there are literally thousands of national, federal, state, provincial and local law enforcement agencies all focusing individual efforts to enforce laws and regulations concerning illicit drug cultivation, manufacturing, smuggling, distribution and abuse. In the United States alone, there are over 17,000 law enforcement agencies, with many contributing daily to our national law enforcement effort. While there is extensive cooperation and coordination, there is also, unilateral, multi-jurisdictional and international action, much having an overlapping effect.

- 2) Limited or indirect influence in determining whether a program achieves the desired results. Regulatory agencies...and agencies that deliver services through third parties...face difficult challenges.

As discussed earlier the DEA is responsible for enforcing and regulating the controlled substances laws and regulations of the United States. To accomplish the mission DEA officials across the globe and in every state of the union, routinely work through and in cooperation with all forms of law enforcement in formal task-force operations and informal processes. This manner of conducting business is necessary because the majority of the illicit drugs abused in the United States are either cultivated or manufactured outside the borders of our country. Accordingly, DEA has established offices around the globe in over 50 countries responsible to work through and in cooperation with host country law enforcement. Outside the United States

DEA agents have no arrest or seizure authority; therefore, our efforts are limited in determining whether our programs achieve our desired results. Working through third parties for DEA is not a luxury; it is a way of life.

- 3) Lack of information on program performance. Even when the data exist, the GAO said its studies consistently questioned the quality and accuracy of the information.

Since the passage of GPRA and the debate over outputs and outcomes began, the DEA has attempted with limited results as documented in the GAO and OIG audits to develop measurements of effectiveness that appropriately measure the efforts of the organization. In furtherance of this cause, extensive research had been conducted within the inter-agency community to develop accurate estimates of illicit drug availability. To date, despite years of data collection, the federal government has been unable to develop an accurate estimate. That however, has not stopped some in government from using this incomplete and less than accurate data in developing policy and performance measurements of effectiveness.

- 4) Linking agency performance plans directly to the budget process. A number of programs will have to change their structure or procedure to link program goals and taxpayer dollars, a prospect that GAO predicted will plunge Congress and agencies into a [time-consuming and difficult process].

Prior to 2004 the DEA had eleven decision units within the agency's budget and in compliance with GPRA, DEA was required to link program goals and taxpayer dollars directly to those individual decision units. This has proven to be very difficult; however, this year (2004) DEA received authorization to collapse the decision units into four. It is anticipated that this change in agency reporting requirements will improve DEA's ability to comply with GPRA. See Table #2 for reference:

Table #2

Decision Unit	Performance Indicators
Domestic Enforcement	Number of priority target organizations disrupted/dismantled Contribution to reduction in drug use and availability
International Enforcement	Number of priority target organizations disrupted/dismantled Contribution to reduction in drug use and availability
Diversion Control	Number of suppliers disrupted/dismantled
State and Local Assistance	Contribution to reduction in drug use and availability

Source: DEA's FY 2004 Congressional Budget Request

Reviewing the GAO and OIG audits together with the 1997 GAO report, which forecasted challenges facing agencies attempting to comply with the GPRA, does provides some interesting insight about a law enforcement agency's struggle to comply with the law. I am concern however; that a far more pressing issue concerning DEA was not identified in all the audits and if left unattended could undermine DEA's creditability with the American people.

Contributing to the reduction in drug use and availability as highlight in three of the four decision units listed in Table#2 is a noble goal and has a certain ring to it. It does support

President Bush's National Drug Control Strategy of disrupting the drug market and supports the President's overall objective of reducing illegal drug use. Further, adopting reducing illicit drug availability, as the primary goal of the DEA is also consistent with the current DOJ Strategic Plan, which focuses on reducing the availability of illegal drugs by 10 percent over five years. Questions remain however, is it appropriate, based on the intent of GPRA and performance measurements, that the DEA has identified contributing to the reduction of illicit drug supply in America as a significant performance indicator? Furthermore, since *contributing to the reduction in illicit drug availability in America* played such a prominent role in the DEA Strategic Plan (Fiscal Years 2003-2008); and according to the DEA "Ultimately, the plan provides a template for ensuring measurable results and accountability in our day-to-day operations", (DEA 2004, pp.3,4), how will the public and Congress react? When it is discovered, that the primary goal of reducing the supply of illicit drugs identified by the DEA, is immeasurable and its relevance as an effective performance measurement to DEA is limited and unclear.

Much has been written about the reinventing movement, in particular the GPRA. Yes, it has three salient points; Strategic Plans, Annual Performance Plans, Annual Performance Reports and agencies are required to make clear connections between agency programs and real world results. Anne Laurent in her 1997 article *Results, or Else*, may not have been the first in her description; however, she hit it on the head, when she reported "GPRA is intended to improve confidence in government by holding agencies accountable for achieving results that affect taxpayers' lives", (page 17). She went on to say in the article written for the Government Executive "It is also suppose to help Congress make better funding and oversight decisions by giving legislators credible information about agency efficiency and effectiveness", (Laurent,

1997, p.17). I would submit to improve confidence in government, federal agencies have a responsibility to set realistic goals in conjunction with their shareholders, develop accurate performance measurements of effectiveness also in conjunction with their shareholders and provide that information in a timely and accurate manner to elected officials and the American people.

The evidence is clear; in 1998 when the Clinton Administration announced the national drug strategy was designed to reduce drug use and availability in America by half over the next 10 years, the illicit drug threat facing our nation was not known. Therefore, setting the goal to reduce illicit drug availability by 50% in 10 years was aggressive and news worthy; however, not realistic. Accordingly relevant and effective performance measurements, based on measuring the impact on illicit drug availability were not developed. There was an obvious disconnect between the Administration's own words in describing the National Drug Strategy, "to build upon the trend in government towards increased accountability and integrated the concept into the national drug control effort", (ONDCP, 1998, p. 1) and the performance measurements in the 1998 National Drug Strategy.

With the change of Administration, questions about the availability of illicit drugs in America once again began in earnest. The U.S. Attorney General, John Ashcroft directed that additional research be conducted to provide policy makers with accurate estimates of illicit drug availability in the United States. Studies were conducted and in 2002 an inter-agency committee, chaired by DEA published a report, entitled *Drug Availability Estimates in the United States*. Estimates were again produced; however, policymakers were cautioned as to the limitations of the estimates, (ONDCP, 2002, p. xi);

There is significant uncertainty in these estimates due to the illicit and clandestine nature of the various drugs, and the limited data currently collected to aid in these analyses. Therefore, caution is urged in the application of these estimates.

The report focused on four illicit drugs; Cocaine, Heroin, Methamphetamine and Marijuana and concluded, (ONDCP, 2002, p. xiii):

Improved drug availability estimates are necessary to support decision-makers' need to understand the scale of the drug problem in America...It is imperative that policymakers and the Congress fund additional data collection systems to make any real progress in developing reliable estimates that will contribute to reasoned shifts in policy and strategy.

This assessment, the second in as many years, came to the same conclusion; that the federal government did not have accurate estimates of illicit drug availability in America. This definitive statement was not wasted on ONDCP. For the coming year, the issue of availability of illicit drugs as a performance measurement in the National Drug Strategy was noticeably absent. Instead, the focus of the strategy was limited to reducing drug abuse over a five-year period, with two milestones and two age categories. Unfortunately, while ONDCP apparently recognized the limitations and impracticality of using availability of illicit drugs as a performance measurement, the DOJ adopted the measurement and in the DOJ 2003-2008 strategic plan identified "reducing the availability of illegal drugs by 10 percent over 5 years as a performance measurement of effectiveness" (DEA, 2004, p2). Subsequently, the DEA a component of the DOJ also

developed a five year strategy, which in conformity with the DOJ drug strategy identified reducing availability of drugs as a performance indicator.

Performance measurements, an integral part of the discussion, play a significant role in determining accountability and improving performance. The GAO conceived of performance measurement as the regular collection and reporting of certain organizational data such as inputs, activity, outputs, and outcomes and defined it as “the ongoing monitoring and reporting of program accomplishments, particularly progress towards preestablished goals” (GAO 1998). Robert Sparks in his dissertation on *Performance Measurement in Primary State Law Enforcement Agencies*, highlighted an interesting point “Performance measurement may be accomplished at several levels. The performance measurement literature generally presumes that the proper level for performance measurement is either the organization or program level” (Sparks, 2003, p. 35). Therefore, assessments of components within larger bureaucracies such as the DEA or the FBI would be more meaningful than an assessment of the DOJ. I would also draw from Spark’s writing that in selecting performance measurements for a component within a larger bureaucracy, as in the situation involving DEA within DOJ. The component should take into consideration the performance measurements of DOJ; however, to provide an accurate assessment of DEA, independent measurements may be better suited.

Scope of influence

Within the last decade, globalization has become the talk of the town; while conceptually new to many, it has been widely known to drug trafficking organizations and some in law enforcement as the *field of play*. These criminal organizations do not recognize nation rights, borders or treaties; their organizations, activities and influence span the globe. The majority of

illicit drugs found on the streets of American are cultivate, manufactured and smuggled from foreign lands. That does not preclude that substantial quantities of illicit drugs are also cultivate, manufactured, distributed and eventually consumed in the United States. In response to the tremendous threat that drug trafficking and abuse pose, the predominant response has been to enact laws and regulations. Law enforcement accordingly, across the nation and around the globe devotes tremendous effort enforcing the laws and regulation. There are literally thousands of national, federal, state, provincial and local law enforcement agencies all focusing individual efforts to enforce laws and regulations concerning illicit drug cultivation, manufacturing, smuggling, distribution and abuse. In the United States alone, there are over 17,000 law enforcement agencies, with many contributing daily to our national law enforcement effort. While there is extensive cooperation and coordination, there is also, unilateral, multi-jurisdictional and international action, much having an overlapping effect.

Not to diminish the tremendous efforts and sacrifices that the DEA employees have made and are making across the nation and around the world; we are however, but one member of the law enforcement community, numbering in the thousands. Any attempt to differentiate our efforts from other law enforcement efforts on reducing the availability of illicit drugs is not practical or realistic. We also need to consider that there are many other variables not within the direct purview of the DEA, including crop substitution, eradication, climate, politics, interdiction and war to name but a few, that also impact the availability of illicit drugs in America.

Conclusions and Recommendations.

Accountability is key to the successful manage of any program, company or organization, and the federal government is no exception; especially as it relates to the American people. Law

enforcement agencies in particular, because of the tremendous authority vested in the employees concerning the powers of arrest and seizure, should be held accountable. The issue is, what should a law enforcement agency be accountable for? In response to the reinventing government movement, specifically the Government Performance Results Act (1993), DEA has attempted to develop measurements of effectiveness. Unfortunately, in response to criticism from external audits that have not taken into consideration the unusual secretive aspects or the global nature of drug trafficking along with the propensity for elected officials to adopt incomplete and less than accurate data sets, DEA has adopted inappropriate performance measurements of effectiveness. I am concerned that these decisions could undermine DEA's creditability with elected officials and the American people. When it is discovered that the primary goal of reducing the supply of illicit drugs, selected by DEA, is identified as immeasurable and its relevance as an effective performance measurement to the agency is limited and unclear. The contribution and sacrifices made by DEA employees across the nation and around the world are too important to have them tarnished or demeaned when the agency's evaluation is drawn from inaccurate information and a flawed process.

Accountability in government is contingent upon relevant, attainable, measurable, performance indicators and since the extent of illicit drug availability is unknown and the quantitative role of the DEA to reduce the availability of illicit drugs is limited and often indistinguishable from others, the DEA should abandoned performance indicators that are contingent upon reducing illicit drug availability. Reinventing government here and abroad was initiated to improve services and accountability, performance indicators contingent upon measuring the impact on the availability of drugs do neither.

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Appendix-A

Survey Questions

Questions for senior law enforcement representatives:

1. Presented with the facts concerning drug seizures for the State of Texas (1998-2001), do you believe that this information accurately depicts your agency's perspective/findings?

- a. Yes b. No c. Unknown d. other

2. Presented with the facts concerning the inter-agency drug threats (1998-2001) do you agree with the findings?

- a. Yes b. No c. Unknown d. other

3. Presented with the facts concerning price and purity of those identified drugs do you agree with the validity of the information?

- a. Yes b. No c. Unknown d, other

4. Between 1998 and 2001 was there a law enforcement event (raid/investigation or other enforcement activity) that limited the availability of illegal drugs in your area of responsibility?

- a. Yes b.No c. Unknown d. other

5. Between 1998 and 2001 was there a law enforcement event (raid/investigation or other enforcement activity) that limited the availability of a specific illegal drug?

- a. Yes b. No c. Unknown d. other

6. If a disruption of the illegal drug market occurred, whereas the availability of an illegal drug (s) was adversely affected, what was the duration of the impact?

- a. one week b. one month c. one year d. other

7. Based upon your professional experience and training in drug law enforcement should the evaluation of a law enforcement program or agency be tied to the program/agency's ability to adversely affect the availability of illegal drugs in their geographic area of responsibility?

- a. Yes b. No c. Unknown d. other