

Performance Monitoring of Australian Drug Law Enforcement Agencies: Impediments to and Prospects for Reform

Dr Caitlin Elizabeth Hughes and Associate Professor Steve James*

Abstract

Attention to performance monitoring of Australian drug law enforcement (DLE) agencies has increased in recent years. Yet history has shown efforts often come to nothing. Indeed the status quo — where there are undefined goals and scant reliable indicators of performance — has been maintained, despite 25 years of calls for improvement. The purpose of this article is to refocus attention from how Australian DLE performance monitoring ought to be *measured*, to the *impediments* to and *prospects* for reform. By critically examining the historical and policy drivers underpinning Australian DLE performance monitoring, five impediments to reform are put forward, including political unwillingness to expose the true capacities of DLE. This article contends that: while violating best-practice principles, the under-measurement of DLE suits various institutional and political rationales; and unless these drivers are addressed efforts to improve performance monitoring will continue to fail or fall short. Strategies for facilitating reform are outlined, including targeted advocacy.

Introduction

Performance monitoring is a critical component of public policy. Good measures of performance are needed to: demonstrate accountability; measure outputs and outcomes; facilitate improved performance; demonstrate cost-effectiveness and to compare outputs/outcomes between policy domains (Management Advisory Committee 2001; Fleming and Scott 2008). Yet, despite 25 years of international criticism and demands for improvement (Wardlaw and Deane 1986; Sutton and James 1996; Weatherburn and Lind 1997; Newburn and Elliott 1998; Manski, Pepper and Petrie 2001), performance monitoring

* Dr Caitlin Elizabeth Hughes BA (Hons), BSc, PhD, Research Fellow, Drug Policy Modelling Program, National Drug and Alcohol Research Centre, The University of New South Wales, Sydney, NSW, Australia, 2052, email: caitlin.hughes@unsw.edu.au.
Associate Professor Steve James BA (Hons), MA, Dip Crim, PhD, Deputy Head of School of Social and Political Science and Chair of Criminology, School of Social and Political Sciences, The University of Melbourne, Melbourne, Victoria, Australia, email: spj@unimelb.edu.au.

of drug law enforcement (DLE) is questionable at best. Indicators continue to be used that can be distorted by law enforcement agencies or government priorities, and that offer no certitude over whether DLE performance has improved, stayed the same or worsened (Manski, Pepper and Petrie 2001; Willis, Homel and Gray 2006). The problem has been pithily summed up by the International Drug Policy Consortium (2007:6): 'In an area of drug strategy that receives by far the greatest proportion of resources and political attention, this is an unacceptable state of affairs'. In the light of renewed academic attention in Australia to improving performance monitoring of drug law enforcement (Willis, Homel and Gray 2006; Willis, Homel and Anderson 2010), the purpose of this article is to refocus attention from how Australian DLE performance monitoring ought to be *measured*, to the *impediments* to and *prospects* for building reform.

While one of us co-authored the allegation of irrationality 15 years ago (Sutton and James 1996), it is apparent that the forces at play are greater than just a misunderstanding about the limits of traditional measures or a lack of resources to gather more sophisticated data (Willis, Homel and Gray 2006). Instead, this article contends that the persistence of inadequate measures in the face of the long-argued need to improve the array and meaning of DLE measures reflects the existence of deep-seated and enduring causes that must be unmasked if they are to be worked around. This article, therefore, seeks to examine critically the historical and policy drivers underpinning Australian DLE performance monitoring in order to:

- clarify the impediments to improving DLE performance monitoring; and
- identify prospects for, and strategies through which to facilitate, policy reform.

This article commences with an overview of Australian DLE and DLE performance monitoring. For discursive convenience the term performance monitoring is used as the overarching enterprise of assessing the relationship between inputs, outputs and outcomes of drug law enforcement. Effective *governance* (particularly accountability for outcomes) and *management* (using monitoring to effect changes) of performance are the desired endpoints of monitoring.

Drug law enforcement and drug law enforcement performance monitoring in Australia

Drug law enforcement is an expensive component of illicit drug policy. In the Australian context, Moore (2005) estimated that in 2002–03 no less than 56 per cent of spending by federal and state/territory governments on illicit drug policy was directed at law enforcement efforts. Estimates by Collins and Lapsley (2002) and Mayhew (2003) suggest that DLE costs the Australian taxpayer between A\$1.4 billion and A\$1.9 billion per annum. DLE in Australia is complicated by the federated nature of government, whereby there are nationwide policing agencies including Australian Customs and Border Protection Service and the Australian Federal Police (AFP), and eight state and territory policing agencies. Each has control over their goals, performance systems and performance indicators. While the goals of Australian DLE are rarely publicly specified, they cross three broad domains, which correspond with Australia's National Drug Strategy objectives (Ministerial Council on Drug Strategy 2011): preventing the uptake of illicit drugs (reducing demand); reducing the harm from drug and drug-related crime to the Australian community (reducing harm);

and reducing the production and supply of illicit drugs, particularly through detecting and disrupting criminal networks (reducing supply) (Willis, Homel and Gray 2006).

Table 1 provides a brief outline of how contemporary state and territory drug law enforcement agencies represent their performance monitoring through their 2009/10 annual reports and publications. It is acknowledged that annual reports do not represent the full spread of indicators or measures, and are imperfect reflections of performance monitoring shifts within police services. Nevertheless, the measures in the annual reports are arguably the most important indicators, since they are the ones by which the police hold themselves to account to both the government and the public.

As shown in Table 1, during 2009/10, 18 different indicators of DLE performance were in use. In spite of recording all possible indicators used in the annual reports, including those reported on only an ad hoc basis, such as following significant operations, only four could *conceivably* be considered indicators of DLE impact. These include: the percentage of drivers that test positive to illicit drugs; the number of complaints made or inquiries launched against police regarding their drug-related activities; the percentage of police officers that test positive to illicit drugs; and the percentage of the community who think illicit drugs are a problem in their neighbourhood. Reductions in such measures might, with appropriate qualifications, indicate that DLE has reduced drug driving, reduced corruption/increased fairness of enforcement and increased public amenity. Even then the measures are less than perfect as apparent improvements in, for example, perceptions of reduced corruption may be equally attributable to activities outside DLE control such as reductions in media reporting on police misconduct. Equally importantly, the latter indicators are measured in only some jurisdictions and none used all four indicators.

DLE performance in Australian states and territories was instead reported on through an odd mix of inputs (such as collaboration), processes (such as the number of drug tests conducted) and outputs (such as seizures following all or significant operations), with the dominant indicators being the number of recorded drug offences, the quantity of drugs seized and the number of referrals to drug diversion programs (AFP 2010; Northern Territory Police Fire and Emergency Services 2010; NSW Police 2010; Queensland Police Service 2010a; Queensland Police Service 2010b; South Australia Police 2010; Tasmania Police 2010; Victoria Police 2010; Western Australia Police 2010). There was clear diversity across the states and territories, with some having better reporting, such as the South Australia Police, where illicit drug offences were differentiated on the basis of offence type and drug (the latter being a surprisingly rare, yet pertinent measure, given the differential ways drug markets operate and trend) and some of the specific goals of DLE activities were connected with the processes and outputs. For example, they had the most comprehensive reporting of DLE efforts to use drug detection dogs at music festivals, reporting for Big Day Out the number of drug offences detected (45), the number of patrons at the event (36,000), and the number of police officers deployed (144) (South Australia Police 2010). This data can be used to infer the detection rate (0.125 per cent) and potential resource effectiveness. Yet, in the absence of indicators of the amount of *undetected* drug use and amount prevented, the benefit (or lack of) for the South Australian community — namely, the extent to which drug use was in fact *deterred* by DLE presence — remains unreported and/or unmeasured.

Table 1: Public drug law enforcement performance monitoring indicators in use by Australian state and territory police agencies, 2010, by jurisdiction

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Arrests								
No. recorded illicit drug offences	✓✓ (by offence [possess/use, deal/supply, manufacture/grow, other])		✓	✓✓ (by region & rate per 100,000 pop)	✓✓ (by offence [possess/use, sell/trade, import/export, manufacture, other] & drug)	✓✓ (by offence [serious, other], drug & region)	✓✓ (by offence [possess/use, traffick], region & rate per 100,000 pop)	✓✓ (by offence [possess/use, traffick])
Drug seizures								
No. seizures	✓✓ (by drug)							
Quantity seized	✓✓ (by drug)		✓✓ (by drug)	✓	✓	✓✓ (by drug)		
Seizure value			✓	✓	✓	✓		
Clan lab seizures								
No. seizures				✓✓	✓✓			✓✓
Size					✓			
Cash/asset seizures								
Seizure value			✓	✓✓	✓			
Drug-related activities								
No. referrals to drug diversion programs	✓✓	✓	✓✓ (& no. completing)	✓✓ (by program & no. completing)	✓			
No. drug driving tests				✓✓ (& no. positive detections for drugs)	✓✓ (& no. positive detections for drugs)	✓✓	✓✓	

No. drug dog searches				✓✓	✓✓ (& no. positive detections for drugs & legal action taken)			
National/ interstate police collaborations for drug operations		✓	✓	✓				
Community collaborations eg Crime Stoppers	✓			✓	✓	✓		✓
Input into policy forums (PF) & law reforms (LR)	✓ (all LR & some PF)			✓ (some LR & some PF)	✓ (some LR)	✓ (all LR)		✓ (all LR)
Potential drug-related outcomes								
% drivers that test positive to illicit drugs				✓✓ (by drug)			✓✓	
No. complaints/ inquiries against police re drugs		✓✓						✓✓
% of police officers that test positive to drugs: random (R)/ targeted (T)		✓✓ (R & T)		✓ (T)				
% community who perceive drugs are a problem					✓✓			✓✓
Other measures								
Clearance rates	✓✓ (by offence)				✓✓		✓✓ (by offence)	✓✓ (by offence)

Key: ✓ = ad hoc reporting, ie some outputs only; ✓✓ = systematic reporting, ie all processes/outputs in year

At the federal level a similar story exists, with the principal indicators during 2009/10 being the number and quantity of drug/precursor seizures (albeit with a more comprehensive breakdown by drug than for the state and territory police reports) (AFP 2009; Australian Customs and Border Protection Service 2010). Yet, one indicator that both agencies adopted in their 2009/10 reports warrants special mention: the AFP Drug Harm Index. The index was devised to provide a 'single measure that encapsulates the potential value to the Australian community of AFP drug seizures' (McFadden 2006:68). The index calculates the social, health and economic impacts of federal seizures of illicit drugs. Potentially, it provides a valuable step towards indicating the worth of DLE activity, but the index is based upon an inherently limited component of DLE (seizures). Moreover, measures of social, health and economic impacts are not updated on an annual basis, which means in its current form conclusions cannot properly be drawn from it about the volume of importations, the effectiveness of the AFP or Australian Customs in influencing that volume from one year to the next, and the ensuing social, health and economic impacts of removed seizures. From even this brief overview it is hard not to conclude that there remain serious failings in ensuring good performance monitoring of Australian DLE agencies.

The importance of the status quo lies in its persistence in the face of the long-argued need to improve the array and meaning of drug enforcement measures. Twenty-five years ago, Wardlaw and Deane (1986:4) argued that it was not possible from data then collected to make reliable estimates of the size of the market, the amount of crime that was drug-related or the impact of drug law enforcement strategies, but that 'a rational drug control policy demands that such data be available'. A decade later, Weatherburn and Lind (1995) and Sutton and James (1996) described the habituation of Australian DLE to seizure and arrest data as irrational.

DLE performance is not alone, of course, in being difficult to assess. Policing generally (Neyroud 2008), and public sector services as a whole (Johnsen 2005), present formidable challenges to governments and communities keen to test whether the taxpayer dollar is being well spent. Yet, there is an added need for good performance monitoring of DLE for three reasons. First, the illicit drug market represents an apparently intractable and obviously sizeable crime problem that underpins and fuels much of the serious crime throughout Australia. The Australian Crime Commission (2011) has estimated that drugs underpin 50 per cent of all organised crime in Australia. Second, drug law enforcement approaches can often contribute *to* unintended harm — increasing, rather than decreasing, the very crime rates that they seek to ameliorate (see for example Weatherburn and Lind 1995; Bennett 2010). Finally this is a public policy approach for which there are many alternate, and potentially more effective, solutions: including reducing the onus upon law enforcement agencies by decriminalising illicit drug use, acquisition and possession (see for example Hughes and Stevens 2010) or expanding the provision of proven and cost-effective treatment and harm reduction responses (see, for example, Babor et al 2010). There is, therefore, an urgent need for improved DLE performance monitoring. The subsequent sections examine the impediments to and prospects for reform.

Proposition 1: That expert advice on appropriate performance monitoring has been confusing

The first barrier to improving performance monitoring is the lack of consensus by experts on *how* this should be done. While there is agreement that measures such as the number of

seizures and arrests are highly flawed, there is serious contention regarding what indicators/measures should be used and which of them constitute the best measures. Some researchers have even questioned whether it is possible to improve performance monitoring. Dorn (2000), for example, argued that the role of DLE in achieving outcomes is largely unverifiable with any meaningful precision.

For the many who think that DLE performance can (and needs to) be improved, measurement preferences (over goals, measures and required data sources) vary dramatically. There are at least four different preferences, three of which are outlined below. Sutton and Maynard (1994) represent those who favour the interception rate and risk imposed on drug offenders, where interception rate is defined as the quantity seized as a proportion of the estimated total quantity imported and the risks imposed are defined in terms of the probability of imprisonment. Another proposed method, supported by Sutton and James (1996) is the quality of investigative targets, arrests and prosecutions (that is, the extent to which DLE get the ‘Mr Bigs’).

More elaborate approaches argue for the specific inclusion of public amenity impacts, as well as health and crime impacts. Weatherburn (2000) and Willis, Homel and Gray (2006) represent this view. For example, a national DLE sector-endorsed project in Australia proposed use of a set of indicators involving four outcomes and 21 measures (Willis, Homel and Gray 2006). These included:

- reduced drug crime and drug-related crime, eg trends in drug detections and perceived availability of illicit drugs;
- reduced organised crime, eg changes in trafficking modes and type of trafficker;
- improved public health, eg trends in frequency of drug consumption and drug-related deaths; and
- improved public amenity, eg trends in level of safety felt by the community and community concern about the drug problem.

This is not an exhaustive review of expert proposals, nor of the different proposals for how each indicator ought to be measured, but it illustrates the considerable diversity in views about what constitutes the primary domains in which DLE impact might or should be experienced, how these domains should be monitored, along with what constitutes an output versus an outcome measure. The most obvious point of difference is the contrasting advocacy for the more ‘ideal’, but inherently challenging, indicators of drug market outcomes, versus the more measureable, but less direct, indicators of public amenity and health-related outcomes. Given each lends itself to different data requirements and systems, it is arguably understandable that police have been reluctant to move forward.

An additional, albeit secondary consideration, is the extent to which expert advice *can* be translated into the everyday business of policing. Even if consensual, the framing of academic discourse and the limited accessibility of research are consistent barriers to implementation (Bradley and Nixon 2009; Ritter 2009). Failure to consider such issues may further frustrate the uptake of proposals for improved performance monitoring.

Proposition 2: That there are financial and practical impediments to change

To date, the most acknowledged barrier to improving performance monitoring has been the formidable and interrelated financial and practical impediments to improving monitoring systems. Several of the proposed systems require the development of new tools or of research that takes years to undertake. For example, in the late 1990s the United States (US) proposed a system of improved performance measures (Office of National Drug Control Policy (ONDCP) 1998). Key to such measures was the need to devise tools to measure drug availability and flow into the US. However, the Drug Availability Steering Committee (2002) and the 2010 budget (The White House 2009) show that almost 10 years later many indicators have not been developed, and others remain preliminary.

Even less dramatic proposals require substantial adjustment and learning about different tools and measures. Efforts to improve performance monitoring in the UK and by the AFP have shown that systems take years to mature (McFadden 2006; Police and Crime Standards Directorate 2006, 2008). These impediments add to any latent tendency towards inertia that DLE agencies might harbour.

Less acknowledged to date is that many of the proposed systems make considerable demands on policing agencies, particularly those that require collaboration with external agencies and/or the incorporation of health or public safety measures. Even once data access is attained, police must get different datasets to marry and develop the expertise to understand and report on the strengths and weaknesses of each dataset. These challenges are all the more pertinent for systems such as that proposed by Willis, Homel and Gray (2006), which require the integration of 21 measures.

Besides the technical difficulties of generating new systems with appropriate levels of validity and reliability, the costs of doing so are considerable. Agency reluctance to invest in expensive systems, or to invest in some parts of the proposed systems, especially when they are not compelled by the clarity of the advocacy for those systems, is perhaps predictable.

Proposition 3: That there are institutional, cultural and disciplinary impediments to change

Police occupational resistance to change has been cited as another reason for the slow development in DLE performance monitoring. Sutton and James (1996) found that although DLE officials had access to other indicators (for example, numbers of overdoses), and acknowledged their potential use, 'on the job' assessments of trends were prioritised above all others. Researchers on the project undertaken by Willis, Homel and Gray (2006) similarly found that uptake of new performance measures was highly dependent upon strong executive level support, which demanded 'managing down'.

Police occupational resistance has commonly been attributed to misunderstanding or mis-promotion of performance monitoring (for example, the notion that performance monitoring is simply an opportunity to punish poor performers) (Shane 2008). However, such a view is not sufficient to explain the lack of progress, since other areas of drug policy have embraced performance monitoring to a much higher degree. One sector that clearly differs to the DLE is the drug treatment sector, where assessment and performance improvement are deemed

much more *integral* to providing good services to clients. As noted by McLellan, Chalk and Bartlett (2007:332) ‘virtually every participating agency and organization within the addiction treatment field’ have advocated for improved accountability and better outcomes. This is not to imply that performance monitoring has been systematically applied in the treatment sector, but the relative acceptance of performance monitoring stands in stark contrast to the occupational resistance within DLE. Two key causes of police occupational resistance are, therefore, proposed: disciplinary training and cultural values.

Performance monitoring is fundamentally about creating the basis for becoming a learning organisation (Shane 2008). Yet, while evidence-based learning is core business for the drug treatment sector, it is not universally nor systematically embraced by police (Neyroud 2008; Wood and Bradley 2009). It is not surprising that police are less willing to want to improve their assessments, to take up new performance monitoring systems, or to engage with and learn from other agencies whether it be other police units, researchers or potential collaborators (Sutton and James 1996).

A second issue, more specific to DLE, is that powerful metaphors and tropes of ‘fighting the drug war’ valorise the crime fighting construction of DLE. This reinforces the use of arrest and seizure data since both readily attest to drug war success (Kelling 1999; Manning 2008). Any performance monitoring system that threatens to distract from (or challenge the validity of) the crime fighting construction, such as public health indicators, is unlikely to be favoured by the traditional culture. There is no analogue to our knowledge of such powerful occupational influences in the drug treatment sector.

A third issue relevant to DLE in recent years is the diminution of institutional capacity for systematic reform because of high personnel turnover in the wake of corruption revelations (see, for example, Kennedy 2004). Even if an organisation is willing to embrace the shifts necessary for more sophisticated performance monitoring, the lack of stability amongst the top ranks would make it difficult for those agencies to do so.

Proposition 4: That uncertainties pervade DLE performance and its measurement and DLE adaptations to uncertainty have facilitated the persistence of simplistic measures

A further cause of the performance monitoring impasse is the role of uncertainty. DLE operates in an arena of considerable conflict over the optimum goals of strategic illicit drug control policy and methods for attainment. In the Australian context, this is reflected, *inter alia*, in stakeholder preferences for, on the one hand, supply (and market) reduction endeavours and, on the other, demand and harm reduction programs (for a description of Australia’s National Drug Strategic Framework see Ministerial Council on Drug Strategy 2011). As noted earlier, there is further uncertainty over the ability to measure the impacts of DLE. There is even uncertainty as to whether DLE can, in fact, impact on the market.

Bammer and Smithson (2008) describe uncertainty as a fact of life, and one that every discipline must deal with. It is argued that different disciplines approach uncertainty in different ways, opting to: reduce uncertainty (for example, by targeted research); ignore uncertainty; accept and tolerate uncertainty; or exploit uncertainty (Smithson, Bammer and The Goolabri Group 2008). Most disciplines seek to reduce, but also to accept and tolerate,

the uncertainty. The response of DLE to the uncertainties underlying their performance monitoring would appear to differ.

To assess this fully would require detailed research, but on the face of it there appear to be two options: denial and/or exploitation. By continuing to use measures of seizures and arrests, despite the consistent reservations about their worth, and rarely ever acknowledging that there is any ambiguity in their meaning, it could be argued that DLE simply *denies* the existence of uncertainty regarding performance.

A more complicated possibility is that DLE knows full well that the key indicators are uncertain measures of impact, and the public and unqualified assertion of their relevance is a deliberate strategy. For example, a seizure of 850 kilograms of pseudoephedrine was claimed as proof that the AFP and Australian Customs had ‘disrupted the supply of chemicals’ and were ‘playing a critical role in combating the illegal drug trade’ (AFP and Australian Customs Service 2008:1). Invoking the AFP Drug Harm index, it was claimed that the seizure ‘saved the community an estimated A\$215 million in associated health and social costs’ (AFP and Australian Customs Service 2008:1). Validating such claims is highly problematic, and requires in-depth knowledge of how the market works, such as the extent to which traffickers expect and accommodate a loss of seizures.

Both such strategies can be seen — at least in the short term — as adaptive strategies. They send the ‘right deterrent message’ about the capacity of DLE to fight the drug war. At the same time, organisations are vulnerable to resource shifting when they cannot demonstrate ‘bang for their buck’. Acknowledging uncertainty about the key and highly public signal effectiveness measures may be seen as sending dangerous signals to funding authorities. This can be seen as a further rationale for why DLE are not actively pushing for new measures. It is much harder, for example, to attest to deterrence if there is proof that DLE had only a 20 per cent chance of reducing the availability of a drug.

Proposition 5: That current measures have political currency

It is difficult to detect any overt political pressure for police agencies to improve performance monitoring. Indeed, it is very rare to see any political criticism of policing efforts, regardless of whether seizures and arrests go up or down. For example, police were praised for their contribution to Australia’s heroin shortage (Ministerial Council on Drug Strategy 2004), but also for the seizures of substantial quantities of MDMA, even when the latter had no observable benefits.

Such tendencies are clear from the following response by the then Minister for Home Affairs, Bob Debus, to the question: ‘What is the latest information regarding law enforcement success in combating drug trafficking?’. The Minister stated that the earlier mentioned seizure of 4.4 tonnes of ecstasy tablets ‘was an amazing, indeed world-class, result for our law enforcement agencies, and therefore for the Australian community’ (Debus 2008:6382). Yet, the statement that it constituted a ‘world-class result’, was at odds with the Minister’s subsequent acknowledgment that the loss of 4.4 tonnes had no impact on the market.

The rhetorical importance of policing in general, as a social and political ‘good’, makes it less vulnerable than other drug control sectors to allegations of ineffectiveness. Policing can often be seen as ‘unique’ and, hence, performance monitoring or more particularly ‘good

PM' is seen as less vital (Shane 2008). DLE is, as a consequence, removed from the frequent ideological attacks on the efficacy and worth of drug treatment and harm reduction measures (see, for example, Wodak 1997, 2006).

Arguably, then, political valorising of law and order has contributed to reduced political pressures on DLE to demonstrate performance and to account for funds. Funding analyses in the US demonstrate that in times of resource reduction, drug treatment service provision suffers, while DLE funding tends to be much more stable, or even be increased (Pacula 2008). This is despite far less knowledge about the performance of DLE. Arguably, therefore, the two key drivers of improved performance monitoring in drug treatment (fears of a drop in the perceived effectiveness of treatment and a drop in funding) (McLellan, Chalk and Bartlett 2007) have been lacking in the DLE field. The Australian National Audit Office (ANAO) (2004) argued that the best performance monitoring systems fit the current political climate and are consistent with government policies and agency plans. It is difficult not to conclude that the lack of political pressure upon DLE to improve its performance monitoring is indeed a sign of fitting with the political climate.

Prospects for improving performance monitoring

It is clear that there are a number of deep-seated impediments to improving DLE performance monitoring. While violating best-practice principles of service monitoring and accountability, the under-measurement of DLE can, therefore, be seen to suit various institutional and political rationales, each of which creates implicit stakeholder rationales for stymieing or minimising reform prospects. What, then, are the prospects for improving DLE performance monitoring?

This article contends that, in spite of appearances, the set of impediments identified above is not insurmountable. The problem is that past and current strategies for improvement have been poorly targeted and/or piecemeal. Two implications of this analysis are that the performance monitoring stalemate is not attributable to a singular cause, nor will it be surmountable by a piecemeal approach, such as simple advocacy on the part of academia for adoption of a new set of performance monitoring indicators. This is not to imply that academia or evidence is without use. It is to argue that the political unwillingness to expose the true capacities of DLE, and the current merits (for both DLE and government) of calling upon uncertain measures, are much stronger drivers. They will, therefore, block reform efforts unless they are acknowledged and addressed. Answers to how we move forward — particularly if reform is to be wholesale, rather than incremental — are likely to demand the engagement by numerous sectors through, for example, the formation of advocacy coalitions (Sabatier and Jenkins-Smith 1999), simultaneous attacks on a number of fronts and a much more innovative and comprehensive research and advocacy strategy that addresses these enduring obstacles to reform. Some potential strategies are outlined below.

1. Reselling the costs of a failure to improve performance monitoring

There is a need for both DLE and government to be convinced of the costs of failing to improve existing systems of performance monitoring. While it has long been argued that 'better performance reporting helps management' (ANAO 2004:3), more persuasive arguments for why DLE should improve their systems have, to date, received limited backing. Kelling (1999:35) is not alone in pointing out that the popular images of fighting 'wars' on, for example, drugs, 'come back to haunt police', since they lock police into

particular strategies with expectations of success even when there is little or no evidence of such success. As noted by the ex-AFP Commissioner Mick Keelty (ABC 2008), failure to improve systems could stop police being acknowledged (by the government, community or drug policy sector) for other effective outcomes they produce, or arguably (and of greater potential import), *prevent* the adoption of *more productive* policing strategies. Given DLE is by far the most expensive component of Australian drug policy, this is no small motivator, particularly in the current economic climate.

One potential route for assessing disconnect is through surveys of DLE members. For example, the UK Drug Policy Commission (2009) conducted a survey of 427 law enforcement personnel that indicated that the current performance monitoring was not measuring what law enforcement personnel thought they should be measuring. Specifically, they illustrated that 68 per cent agreed that the success of drug-related enforcement activity should be judged mainly by its impacts on drug harms and that 85 per cent did not feel there was sufficient measurement to know if the desired outcome (a reduction in harms) was or could be achieved.

2. Assessing and shaping public opinion

Given the valorisation of law and order approaches to drugs both DLE and government need to be assured that improving performance monitoring will not jeopardise public support. The first step towards this is more comprehensive understanding of the nature of public opinion on DLE. Opinion on drug policy options is ill-understood (Matthew-Simmons, Love and Ritter 2008), but polling of related criminal justice issues demonstrates that the public are often less vengeful or punitive than is commonly asserted (Casey and Mohr 2005). It is, thus, not unreasonable that the purported public valorisation of crime fighting may in fact be over-inflated, and that there will be minimal public resistance to alternate performance monitoring measures.

Second, even if law and order preferences do persist, there are a number of strategies that can be utilised to counteract such preferences. Public opinion on criminal justice practices is largely formed through the media (see, for example, Jones, Weatherburn and McFarlane 2008). Unsurprisingly, therefore, improved communications about what police are doing and why they are doing it is one of the most effective strategies for increasing public acknowledgement of and support for the broad roles played by police (Indermaur and Hough 2002; Rix et al 2009). This is particularly in regards to drugs where law enforcement fills the lion's share of Australian news media reporting (Hughes, Lancaster and Spicer 2011).

3. Measurement consensus

In many ways there is an onus on the researcher sector and agency collaborators to build some form of agreement over the necessary elements of DLE performance monitoring, so that research itself is not seen as the stumbling block towards improved measurement. Bringing experts together may be one strategy to attain this, but ultimately reaching a measurement consensus will demand willingness to compromise, at least in the short term, on what core elements are required and how and by whom they should be assessed.

This article does not seek to specify here what the core elements should be (something that will be outlined in future work), other than to make three points. First, researchers need to acknowledge the realities of policing and the desire to be assessed in terms of impacts on the market (as well perhaps as impacts on health and social harms). It is unrealistic to expect

police to drop all crime fighting motifs or to fully engage with public health indicators alone. In this regard, the enrolment of relevant police personnel into the formulation of performance monitoring is obviously crucial. Second, it is important that the proposed measures do not favour ‘feasibility’ or ‘political currency’ of DLE indicators over what actually *needs* to be measured. It is not surprising that many indicators that are more politically sensitive, such as the interception rate, can be very easily discounted as too difficult, too expensive or too imprecise.

Third, and drawing upon the points made above, it is crucial that intra-institutional DLE performance monitoring should be augmented by authoritative external agencies to monitor performance. Successful examples of public sector oversight operate throughout the world and include in Australia the New South Wales Bureau of Crime Statistics and Research (2011), the (Australian) Productivity Commission (2010) and the (Queensland) Crime and Misconduct Commission (2010). Internationally, the role of the (UK) Home Office (2011), the (US) National Drug Intelligence Centre (2009) and that of the European Monitoring Centre for Drugs and Drug Addiction (2011) are examples of external review. Use of authoritative external agencies would:

- reduce the onus on DLE to design by itself and ‘own’ a particular performance monitoring system;
- enhance the capacity for more sophisticated system design; and
- foster a more critical research culture that:
 - makes use of datasets from all measurable environments;
 - ‘value-adds’ to the data, knowledge and expertise of DLE agencies; and
 - builds community understanding of DLE performance.

A prerequisite for the improvements outlined above is the accessibility of law enforcement data to external analysis and review. Such access is notoriously difficult to negotiate, hence the need for the final strategy: a powerful political mandate.

4. Performance monitoring mandate

The final mechanism put here is that governments exert pressure upon DLE agencies to participate in and maintain sound monitoring systems (regardless of who technically manages the system). A regulatory mandate is not unheard of: the US ONDCP Performance Monitoring system designed in the late 1990s was accompanied by specific legislation, which meant there was top down authority and a requirement imposed on all jurisdictions and bodies to adopt the proposed system (ONDCP 1998, 1999). In the early 2000s, the Home Office also introduced a Policing Performance Assessment Framework that was tied to future funding of all UK police agencies (Police Standards Unit and Accenture et al 2004). A key lesson from these strategies is that any performance monitoring system needs to be designed for *constructive* feedback that facilitates the adoption of strategies that work, rather than the targeting of and punishment for failure to meet goals devoid of any evidentiary warrant (Home Office 2008). Building a performance monitoring mandate is undoubtedly the hardest goal to achieve, yet it is critical so that DLE can feel equipped to improve performance monitoring systems with authority and without fear of retribution.

Conclusion

In conclusion, the inability of traditional DLE performance measurement to answer crucial questions about the impact of DLE activities upon the drug markets is a function not only of the inherent complexities of measuring impact in a complicated world, but also of a reluctance to move beyond simple and comfortable measures. The reasons for this reluctance are many and this article has identified only those that appear most prominent. Nevertheless, viewed through a broader historical and policy lens, it is clear that the DLE violation of best-practice principles is sustained by deep-seated institutional and political rationales that reward and favour the status quo. Viewed in this light it is clear that unless these enduring drivers are acknowledged and addressed, efforts by the research and policy community will continue to fail, fall short or unwittingly foster the maintenance of the status quo.

Under various pressures, there are signs that DLE agencies are committing themselves to an expanded understanding of performance measurement. However, in order for meaningful reform to become a reality — that is, to shift from simple piecemeal reform to a place in which DLE can actually be held to account, and where government and the public can make more informed judgements about the impacts of this endeavour — DLE needs to move more sharply towards embracing a sophisticated evidence-base and a culture that acknowledges uncertainty and debates failure in public. It needs help to do so: not least of all from a political culture that has been all too timid to call DLE to account or to acknowledge the limits of a prohibitionist approach, and from an academic sector that is willing to embrace ingenuity and collaboration to attain the performance measurement systems that DLE, government and society so urgently deserve.

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References

- ABC (2008) 'Police chief wants new ways to curb demand for drugs', *PM*, 16 October 2008
- Australian Crime Commission (2011) *Organised crime in Australia – 2011*, Australian Crime Commission, Canberra
- Australian Customs and Border Protection Service (2010) *Australian customs service annual report 2009-10*, Australian Customs and Border Protection Service, Canberra
- Australian Federal Police (AFP) (2009) *Australian Federal Police annual report 2008-09*, Australian Federal Police, Canberra
- Australian Federal Police (AFP) (2010) *ACT policing annual report 2009-2010*, ACT Policing, Canberra
- Australian Federal Police (AFP) and Australian Customs Service (2008) 'Chemicals to make \$297 million of ICE seized', Joint media release, AFP and Australian Customs, 13 July 2008, Canberra

Australian National Audit Office (ANAO) (2004) *Better practice guide: Better practice in annual performance reporting*, ANAO, Canberra

Babor TF, Caulkins JP, Edwards G, Fischer B, Foxcroft DR, Humphreys K, Obot IS, Rehm J, Reuter P, Room R, Rossow I and Strang J (2010) *Drug policy and the public good*, Oxford University Press, Oxford

Bammer G and Smithson M (eds) (2008) *Uncertainty and risk: Multidisciplinary perspectives*, Earthscan, London

Bennett C (2010) 'Drug law enforcement: A study in the interplay of power and resistance', *Current Issues in Criminal Justice* 22(1), 117–36

Bradley D and Nixon C (2009) 'Ending the "dialogue of the deaf": evidence and policing policies and practices. An Australian case study', *Police Practice and Research* 10, 423–35

Casey SN and Mohr P (2005) 'Law-and-order politics, public-opinion polls and the media', *Psychiatry, Psychology and Law* 12(1), 141–51

Collins D and Lapsley H (2002) *Counting the cost: Estimates of the social costs of drug abuse in Australia in 1998-9*, Commonwealth Department of Health and Ageing, Canberra

Crime and Misconduct Commission (2010) *Crime and Misconduct Commission – Annual report 2009-10*, Crime and Misconduct Commission, Brisbane

Debus B, Minister for Home Affairs (2008) *Questions without notice: Drug trafficking*, Commonwealth, House of Representatives, 27 August 2008, Canberra

Dorn N (2000) 'Performance management, indicators and drug enforcement: In the crossfire or at the crossroads?' in Natarajan M and Hough M (eds), *Illegal drug markets: From research to prevention policy*, Crime Prevention Studies 11, Criminal Justice Press, New York, 299–318

Drug Availability Steering Committee (2002) *Drug availability estimates in the United States*, United States Office of National Drug Control Policy, Washington DC

European Monitoring Centre for Drugs and Drug Addiction (2011) *General report of activities 2010*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

Fleming J and Scott A (2008) 'Performance measurement in Australian police organizations', *Policing: A Journal of Policy and Practice* 3(2), 322–30

Home Office (2008) *Policing green paper from the neighbourhood to the national: Policing our communities together*, Home Office, London

Home Office (2011) *Annual report and accounts 2010-11*, Home Office, London

Hughes CE, Lancaster K and Spicer B (2011) 'How do Australian news media depict illicit drug issues? An analysis of print media reporting across and between illicit drugs, 2003-2008', *International Journal of Drug Policy* 22(4), 285–91

Hughes CE and Stevens A (2010) 'What can we learn from the Portuguese decriminalization of illicit drugs?', *British Journal of Criminology* 50(1), 999–1022

Indermaur D and Hough M (2002) 'Strategies for changing public attitudes to punishment' in Roberts JV and Hough M (eds) *Changing Attitudes to Punishment: Public opinion, crime and justice*, Willan, Cullompton, Devon, 198–214

International Drug Policy Consortium (2007) *The European Union drug strategy: Progress and problems*, International Drug Policy Consortium, London

Johnsen A (2005) 'What does 25 years of experience tell us about the state of performance measurement in public policy and management', *Public Money & Management* 25(1), 9–17

Jones C, Weatherburn D and McFarlane K (2008) *Public confidence in the New South Wales criminal justice system*, NSW Bureau of Crime Statistics and Research, Sydney

Kelling G (1999) 'Measuring what matters: A new way of thinking about crime and public order' in Langworthy RH (ed) *Measuring What Matters: Proceedings From the Policing Research Institute Meetings*, National Institute of Justice, Washington DC, 27–35

Kennedy G (2004) *Royal Commission into whether there has been corrupt or criminal conduct by any Western Australian Police Officer: Final report*, Parliament of Western Australia, Perth

Management Advisory Committee (2001) *Performance management in the Australian Public Service: A strategic framework*, Management Advisory Committee, Canberra

Manning P (2008) 'Performance rituals', *Policing* 2(3), 284–93

Manski C, Pepper JV and Petrie CV (eds) (2001) *Informing America's policy on illegal drugs: What we don't know keeps hurting us*, National Academy Press, Washington DC

Matthew-Simmons F, Love S and Ritter A (2008) *Monograph 17: A review of Australian public opinion surveys on illicit drugs*, DPMP Monograph Series, National Drug and Alcohol Research Centre, Sydney

Mayhew P (2003) *Counting the costs of crime in Australia: Technical report, technical and background*, Australian Institute of Criminology, Canberra

McFadden M (2006) 'The Australian Federal Police Drug Harm Index: A new methodology for quantifying success in combating drug use', *Australian Journal of Public Administration* 65(4), 68–81

McLellan AT, Chalk M and Bartlett J (2007) 'Outcomes, performance, and quality—What's the difference?', *Journal of Substance Abuse Treatment* 32(4), 331–40

Ministerial Council on Drug Strategy (MCDS) (2004) 'Joint Communiqué: Governments welcome reports on heroin shortage', MCDS, 12 November 2004, Canberra

Ministerial Council on Drug Strategy (MCDS) (2011) *The National Drug Strategy 2010-2015: A framework for action on alcohol, tobacco, and other drugs*, MCDS, Canberra

Moore TJ (2005) *Monograph No. 01: What is Australia's "drug budget"? The policy mix of illicit drug-related government spending in Australia*, Turning Point Alcohol and Drug Centre, Fitzroy, Melbourne

National Drug Intelligence Centre (2009) *National Drug Intelligence Centre Brochure*, National Drug Intelligence Centre, Johnstown

Newburn T and Elliott J (1998) *Police anti-drugs strategies: Tackling drugs together three years on*, Police Research Group, Home Office, London

Neyroud P (2008) 'Past, present and future performance: Lessons and prospects for the measurement of police performance', *Policing: A Journal of Policy and Practice* 3(2), 340–8

Northern Territory Police Fire and Emergency Services (2010) *2010 annual report*, Northern Territory Police, Fire and Emergency Services, Darwin

NSW Bureau of Crime Statistics and Research (2011) *About us*, 4 May 2011, NSW Bureau of Crime Statistics and Research <http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_aboutus>

NSW Police (2010) *2009-10 NSW Police Force annual report*, NSW Police, Sydney

Office of National Drug Control Policy (ONDCP) (1998) *Performance measure of effectiveness: A system for assessing the performance of the National Drug Control Strategy*, Executive Office of the President of the United States, Washington DC

Office of National Drug Control Policy (ONDCP) (1999) *Performance measure of effectiveness: Implementation and findings*, Executive Office of the President of the United States, Washington DC

Pacula RL (2008) *What research tells us about the reasonableness of the current priorities of national drug control*, RAND, Santa Monica, California

Police and Crime Standards Directorate (2006) *2006/07 SPI good practice guide*, Home Office, London

Police and Crime Standards Directorate (2008) *Guidance on Statutory Performance Indicators for Policing 2007/08*, version 2, Home Office, London

Police Standards Unit and Accenture, in association with the Association of Chief Police Officers, Her Majesty's Inspectorate of Constabulary, the Association of Police Authorities and the Superintendents' Association (2004) *Managing police performance: A practical guide to performance management*, Home Office, London

Productivity Commission (2010) *Annual Report 2009-10*, Annual Report Series, Productivity Commission, Canberra

Queensland Police Service (2010a) *2009 - 2010 annual report*, Queensland Police Service, Brisbane

Queensland Police Service (2010b) *Annual Statistical Review 2009 - 2010*, Queensland Police Service, Brisbane

Ritter A (2009) 'How do drug policy makers access research evidence?', *International Journal of Drug Policy*, 20(1), 70-5

Rix A, Joshua F, Maguire M and Morton S (2009) *Improving public confidence in the police: A review of the evidence*, Home Office, London

Sabatier P and Jenkins-Smith H (1999) 'The advocacy coalition framework: An assessment' in Sabatier P (ed) *Theories of the policy process*, Westview Press, Colorado, 117-66

Shane JM (2008) 'Developing a police performance measurement system', *FBI Law Enforcement Bulletin* 77(8), 8-18

Smithson M, Bammer G and The Goolabri Group (2008) 'Coping and managing under uncertainty' in Bammer G and Smithson M (eds) *Uncertainty and risk: Multidisciplinary perspectives*, Earthscan, London, 321-33

South Australia Police (2010) *Annual report 2009-2010*, South Australia Police, Adelaide

Sutton A and James S (1996) *Evaluation of Australian drug anti-trafficking law enforcement*, National Police Research Unit, Payneham, Adelaide

Sutton M and Maynard A (1994) *Trends in the cost-effectiveness of enforcement activity in the illicit heroin market, 1979-1990*, Centre for Health Economics, University of York, York

Tasmania Police (2010) *Annual report 2009 – 2010*, Tasmania Police, Hobart

The White House (2009) *National Drug Control Strategy: FY 2010 budget summary*, The White House, Washington DC

UK Drug Policy Commission (UKDPC) (2009) *Refocusing drug-related law enforcement to address harms*, UKDPC, London

Victoria Police (2010) *Victoria Police annual report 2009-10*, Victoria Police, Melbourne

Wardlaw G and Deane H (1986) *Uses and abuses of drug law enforcement statistics*, Australian Institute of Criminology, Canberra

Weatherburn D (2000) *Performance indicators for drug law enforcement*, NSW Bureau of Crime Statistics and Research, Sydney

Weatherburn D and Lind B (1995) *Drug law enforcement policy and its impact on the heroin market*, NSW Bureau of Crime Statistics and Research, Sydney

Weatherburn D and Lind B (1997) 'The impact of law enforcement activity on a heroin market', *Addiction* 92(5), 557–69

Western Australia Police (2010) *Western Australia Police annual report 2010*, Western Australia Police, Perth

Willis K, Homel P and Anderson J (2010) *Developing the capacity and skills for national implementation of a drug law enforcement performance measurement framework*, National Drug Law Enforcement Research Fund, Payneham, Adelaide

Willis K, Homel P and Gray K (2006) *Developing and implementing a performance measurement framework for drug law enforcement in Australia*, National Drug Law Enforcement Research Fund, Payneham, Adelaide

Wodak A (1997) 'Public health and politics: the demise of the ACT heroin trial', *Medical Journal of Australia* 167, 348–9

Wodak A (2006) 'Lessons from the first international review of the evidence for Needle Syringe Programs: The band still plays on', *Substance Use & Misuse* 41(6–7), 837–9

Wood J and Bradley D (2009) 'Embedding partnership policing: What we've learned from the nexus policing project', *Police Practice and Research: An International Journal* 9(4), 1–12