United States Government Accountability Office

Report to Congressional Requesters

November 2018

ILLEGAL MARIJUANA

Opportunities Exist to Improve Oversight of State and Local Eradication Efforts

GAO-19-9

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Opportunities Exist to Improve Oversight of State and Local Eradication Efforts

GAO Highlights

Highlights of GAO-19-9, a report to congressional requesters

Why GAO Did This Study

Marijuana is generally illegal under federal law. Nonetheless, an increasing number of states have legalized medical or recreational marijuana under state law. However, in these states, some marijuana-related activity may still be illegal under state law. Since 1981, DEA's DCE/SP has provided financial support to participating state and local agencies for their efforts to eradicate illegal marijuana.

GAO was asked to review DEA's DCE/SP. This report examines (1) DCE/SP funding and expenditures in recent years, (2) how DEA ensures that participating agencies expend funds in accordance with program requirements, and (3) how DEA uses performance assessment to help manage DCE/SP. GAO analyzed DCE/SP guidance, and expenditure and performance information from 2015 through fiscal year 2017, and evaluated DEA's oversight and performance management efforts against internal control standards. GAO also interviewed officials from DEA, the U.S. Forest Service, and participating agencies in six states, which GAO selected to include varying levels of DCE/SP funding and numbers of marijuana grow sites eradicated in recent years.

What GAO Recommends

GAO is making four recommendations, including that DEA develop a plan to ensure the collection of consistent documentation of expenditures, clarify its guidance for reporting program activities, document all of its program goals, and develop performance measures. DEA concurred with the recommendations.

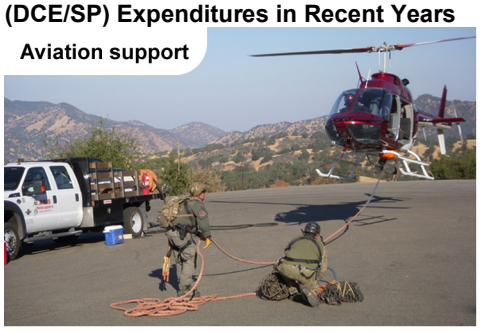
View GAO-19-9. For more information, contact Gretta L. Goodwin at (202) 512-8777 or goodwing@gao.gov.

What GAO Found

The Drug Enforcement Administration (DEA) obligated over $17 million annually on average from 2015 through 2018 to its Domestic Cannabis Eradication/ Suppression Program (DCE/SP)—which supports participating state and local law enforcement agencies' efforts to eradicate illegal marijuana. DEA obligated funds to participating agencies in states with and without marijuana legalization laws. Participating agencies expended the majority of funds on aviation support and overtime (see fig. below). Officials told GAO they expended funds to help eradicate marijuana that was not in compliance with state and local marijuana laws. For example, officials in California—a state with medical and recreational marijuana legalization laws—said that all of their eradication occurs on public lands such as national forests, or private land that had been trespassed upon. In total, agencies have eradicated several million plants annually in recent years.

Participating Agencies' Top Domestic Cannabis Eradication/Suppression Program (DCE/SP) Expenditures in Recent Years

Aviation support



Rent helicopters and purchase fuel to detect possible marijuana grow sites, transport personnel in and out of sites, and remove infrastructure and plants from sites.

Overtime

Overtime costs incurred during eradication efforts.

Source: California Department of Justice—Campaign Against Marijuana Planting. | GAO-19-9

DEA oversees participating agencies' compliance with program expenditure requirements in various ways, but does not consistently collect supporting documentation for expenditure reports. DEA field officials collect varying levels of documentation, and headquarters officials were not aware of these varying practices. DEA officials said they are now working to address this issue, but they have not developed a plan with specific actions and time frames for completion. By developing and implementing such a plan, DEA could have greater assurance that funds are being expended appropriately.

DEA collects information on program activities to help manage DCE/SP, such as number of plants eradicated. However, participating agencies GAO spoke with have practices for reporting some program activities that differ from DEA's guidance due to varying interpretations of the guidance. As a result this information is neither fully accurate nor reliable for assessing program performance. Also, DEA has not clearly documented all of its program goals or developed performance measures to assess progress toward those goals. Improving the reliability of the information it collects, clearly documenting all program goals, and developing performance measures could provide DEA with the information it needs to manage the program more effectively.

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Abbreviations

CAMP	Campaign Against Marijuana Planting
DCE/SP	Domestic Cannabis Eradication/Suppression Program
DEA	Drug Enforcement Administration
DOJ	Department of Justice
GPRA	Government Performance and Results Act of 1993
GPRAMA	GPRA Modernization Act of 2010
OIG	Office of Inspector General
THC	delta-9-tetrahydrocannabinol
USDA	U.S. Department of Agriculture

U.S. GOVERNMENT ACCOUNTABILITY OFFICE
441 G St. N.W.
Washington, DC 20548

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Congressional Requestors

Marijuana is the most widely available and commonly used illegal drug in the United States, and the only major illegal drug grown domestically, according to the Drug Enforcement Administration (DEA).[1] Within the Department of Justice (DOJ), DEA is the primary federal law enforcement agency responsible for investigating and enforcing potential violations of the Controlled Substances Act of 1970, as amended.[2] Under the Act generally, it is a federal crime for any person to knowingly or intentionally manufacture, distribute, dispense, or possess marijuana.[3] As part of its marijuana enforcement efforts, DEA began providing financial assistance to state and local law enforcement agencies to support their efforts to eradicate and suppress illegal, domestically-grown marijuana in 1979. DEA formally established this assistance through its Domestic Cannabis Eradication/Suppression Program (DCE/SP) in 1981. In fiscal year 2018, DEA obligated $14 million to state and local law enforcement agencies through DCE/SP to support eradication and suppression of illegal marijuana.[4]

Despite the federal government's long-standing prohibition on marijuana, an increasing number of states have legalized medical or recreational marijuana under state law over the past two decades. In 2015, we reported on DOJ's efforts to monitor the effects of state marijuana

[1]According to the Substance Abuse and Mental Health Services Administration's 2016 National Survey on Drug Use and Health, an estimated 9.0 percent (22.4 million) of Americans aged 18 and older reported having used marijuana in the past month. The National Survey on Drug Use and Health provides information on the use of illicit drugs, alcohol, and tobacco among noninstitutionalized Americans aged 12 and older. See United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality, *Key Substance Use and Mental Health Indicators in the United States: Results from the 2016 National Survey on Drug Use and Health,* HHS Publication No. SMA 17-5044, NSDUH Series H-52 (Rockville, MD: Sept. 2017).

[2]Pub. L. No. 91-513, 84 Stat. 1242.

[3]21 U.S.C. §§ 841, 844.

[4]In addition to the $14 million obligated to state and local law enforcement agencies, DEA also obligated $4 million to pay for program support in fiscal year 2018. For the purposes of this report, we refer to state and local law enforcement agencies that receive DCE/SP funding from DEA as participating agencies.

legalization relative to DOJ marijuana enforcement policy, including August 2013 guidance which provided additional clarification of DOJ's priorities and certain circumstances that may warrant DOJ to challenge a state's implementation of its marijuana legalization program.[5] The August 2013 guidance instructed DOJ's prosecutorial and law enforcement components to focus marijuana enforcement efforts on priorities that were particularly important to the federal government, leaving all other enforcement of state law pertaining to marijuana-related activity to state and local law enforcement agencies and regulatory bodies.[6] We recommended that DOJ document a plan specifying its monitoring process, and share the plan with DOJ components. DOJ concurred with the recommendations. In January 2018, the Attorney General rescinded DOJ's marijuana enforcement policy, including the August 2013 guidance. Subsequently, we closed this recommendation as not implemented.

Given trends in marijuana legalization under state law, questions have been raised about the necessity and effectiveness of DEA's DCE/SP. You asked us to review DEA's DCE/SP. This report addresses the following questions:

1. How much funding has DEA obligated to DCE/SP in recent years, and how have participating agencies expended program funds?
2. How does DEA ensure that participating agencies expend DCE/SP funds in accordance with program requirements?
3. How does DEA use performance assessment to help manage DCE/SP?

To address all three questions, we analyzed relevant DEA documentation, and interviewed DEA officials in headquarters. We also conducted semi-structured interviews with officials from DEA, the U.S.

[5]GAO, *State Marijuana Legalization: DOJ Should Document Its Approach to Monitoring the Effects of Legalization,* GAO-16-1 (Washington, D.C.: Dec. 30, 2015).

[6]This guidance outlined eight enforcement priorities that were particularly important to the federal government, such as preventing the diversion of marijuana from states where it is legal under state law in some form to other states, preventing the growing of marijuana on public lands, and preventing revenue from the sale of marijuana from going to criminal enterprises.

Forest Service,[7] and participating agencies in the following six states: California, Georgia, Kentucky, Michigan, Nevada, and Texas. We selected these states to include varying levels of DCE/SP funding and numbers of marijuana grow sites eradicated from 2014 through fiscal year 2016—the most recent year for which DEA data were available at the time of our state selection.[8] The six states in our sample collectively received approximately 52 percent of total DCE/SP funding obligated to states from 2014 through fiscal year 2016. When selecting states, we also considered whether a state had experienced a significant level of marijuana eradication on national forests in recent years,[9] as well as the status of medical or recreational marijuana legalization under state law.[10] For each of our selected states, we interviewed DEA field officials responsible for implementing DCE/SP in the state;[11] Forest Service law enforcement officials responsible for overseeing and conducting marijuana eradication efforts on national forests in the state; and

[7]The U.S. Forest Service, within the U.S. Department of Agriculture, manages 154 national forests and 20 grasslands in 43 states and Puerto Rico. According to Forest Service headquarters officials, approximately 80 percent of illegal marijuana cultivation on federal lands occurs on national forests. According to DEA data, almost 3 million illegal marijuana plants were eradicated from national forests from 2014 through fiscal year 2016. Although we discuss limitations with using DEA's marijuana eradication and suppression data to assess the performance of DCE/SP later in this report, the data nonetheless effectively demonstrate that a significant amount of illegal marijuana eradication takes place on national forests.

[8]In 2014 and 2015, DEA operated DCE/SP on a calendar year basis. Since 2016, DEA has operated DCE/SP on a fiscal year basis. DEA data for 2014 and 2015 included data from January through December of those years, while data for fiscal year 2016 included data from January 2016 through September 2016.

[9]For simplicity, we use the term national forests in this report to represent lands managed by the Forest Service. Of our six selected states, four were among those with the highest number of marijuana plants eradicated on national forests from fiscal years 2014 through 2016, based on data that the Forest Service provided.

[10]We selected three states without medical or recreational marijuana legalization, two states with medical and recreational marijuana legalization, and one state with medical marijuana legalization only.

[11]DEA field officials responsible for implementing DCE/SP are DCE/SP coordinators and regional contractors. We provide additional information on the roles and responsibilities of these positions in the background section of this report.

participating agencies' points-of-contact for DCE/SP.[12] We conducted our interviews in person in California, Georgia, and Texas. The information we obtained from these interviews cannot be generalized to all states that received DCE/SP funding, but provides a range of perspectives and experiences regarding DCE/SP from federal, state, and local law enforcement officials.

To address our first question, we also reviewed DEA documentation related to DCE/SP funding, including DEA's funding requests for DCE/SP from DOJ's Assets Forfeiture Fund for fiscal years 2015 through 2018.[13] We reviewed documents describing how participating agencies use program funds, including the *DCE/SP Coordinator Handbook and Program Guide (DCE/SP Handbook)*,[14] participating agencies' annual strategic plans for using DCE/SP funds to conduct eradication and suppression activities, and letters of agreement between participating agencies and DEA.[15] Also, we analyzed DEA data on (1) DCE/SP funding obligated to participating agencies, and to DEA for program support from 2015 through fiscal year 2018 and (2) DCE/SP funding expended by participating agencies in each state from 2015 through fiscal year 2017, organized by categories of expenses, such as overtime and equipment.

[12]In total, we interviewed officials from 13 participating agencies across our six selected states. When determining which participating agencies to interview, we selected participating agencies that received relatively higher levels of funding from DEA in fiscal year 2016—the most recent year for which DEA data on the amount of DCE/SP funding allocated to participating agencies in each state were available at the time of our state selection—as well as participating state and local agencies that were geographically close to where we conducted our in-person visits in northern California and eastern Texas.

[13]The Comprehensive Crime Control Act of 1984, Pub. L. No. 98-473, tit. II, § 310, 98 Stat. 1976, 2052 (codified as amended at 28 U.S.C. § 524(c)), established the Department of Justice Assets Forfeiture Fund within the United States Treasury to receive the proceeds of forfeited assets which include, but are not limited to, businesses, cash, bank accounts, automobiles, boats, airplanes, jewelry, art objects, and real estate. Revenues generated from forfeiture are used to fund program-related expenses including payments to victims and lienholders, the costs of storing and maintaining forfeited assets, and certain law enforcement activities, such as DEA's DCE/SP.

[14]DEA's *DCE/SP Coordinator Handbook and Program Guide* (*DCE/SP Handbook*) serves as an aid for DCE/SP coordinators, regional contractors, and participating agencies by providing an overview of the program, describing roles and responsibilities for program management, and program requirements and procedures.

[15]Annual strategic plans and letters of agreement are standardized forms that participating agencies must complete to apply for and receive DCE/SP funds from DEA. We reviewed a limited number of participating agencies' annual strategic plans and letters of agreement from 2015 through fiscal year 2017.

To assess the reliability of DEA's funding data, we reviewed the data for any missing elements, outliers, and obvious errors, and interviewed agency officials knowledgeable about the data. We determined that DEA's funding data for DCE/SP were sufficiently reliable for the purpose of reporting obligations at the program and state levels, as well as participating agencies' aggregate expenditures by category. Furthermore, we interviewed DEA and Forest Service headquarters and field officials, and officials from participating agencies in each of our selected states to obtain perspectives on how participating agencies expended DCE/SP funds. We also viewed items that participating agencies purchased using DCE/SP funds in California, Georgia, and Texas, and observed a marijuana grow site on federal land that participating agencies eradicated in California and Georgia as part of our in-person visits.

To address our second question, we also reviewed DEA's guidance for expending DCE/SP funds, including the *DCE/SP Handbook* and letters of agreement between DEA and participating agencies. We reviewed documentation related to DEA's processes for overseeing participating agencies' expenditure of program funds, including purchase request forms, quarterly expenditure reports, and reports describing the results of DEA site visits to participating agencies' facilities and operations during fiscal year 2017—the first year for which these reports were available. Furthermore, we interviewed DEA headquarters officials responsible for the overall management and oversight of DCE/SP, and DEA field officials responsible for providing guidance to participating agencies on expending program funds, and for collecting and reviewing participating agencies' information on program expenditures. We also interviewed officials from participating agencies in each of our selected states, and reviewed supporting documentation for DCE/SP expenditures to better understand the amount and types of information participating agencies submit to DEA. We evaluated DEA's efforts to oversee participating agencies' expenditure of DCE/SP funds, such as its practices for collecting and reviewing receipts and supporting documentation for program expenditures, against agency requirements for participating agencies to submit information on program expenditures to DEA. We also compared these efforts against standards for project management.[16]

[16] Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK® Guide)*, Sixth Edition, 2017. *PMBOK* is a trademark of Project Management Institute, Inc.

To address our third question, we also reviewed DEA documentation related to performance management, including the *DCE/SP Handbook* and congressional budget justifications for fiscal years 2012 through 2018.[17] We analyzed DEA's data on the marijuana eradication and suppression activities conducted as part of DCE/SP, such as the number of marijuana plants eradicated, pounds of processed marijuana seized, and arrests made, for 2015 and fiscal years 2016 through 2017—the most recent year for which these data were available. To assess the reliability of DEA's data on marijuana eradication and suppression activities, we reviewed the data for any missing elements, outliers, and obvious errors, and reviewed documentation about the data. We also interviewed officials from DEA and participating agencies about the reliability of the data. Specifically, we interviewed DEA field officials responsible for providing guidance to participating agencies on reporting data to DEA, and for reviewing the data that participating agencies report. Furthermore, we interviewed officials from participating agencies in each state about how they collect and report data to DEA on their agency's marijuana eradication and suppression activities. We determined that the data were not fully reliable for the purpose of assessing program performance.[18] As a result, we do not include these data in this report. In addition, we interviewed DEA headquarters officials to determine how DEA uses the data it collects to help manage the program, including the extent to which DEA uses the data to measure progress toward goals and performance measures for DCE/SP. We evaluated DEA's practices for collecting and using program data to assess performance and manage the program, which we derived from our review of agency documentation and interviews with DEA officials, against the Government Performance and Results Act of 1993 (GPRA),[19] as amended by the GPRA Modernization Act of 2010 (GPRAMA);[20] federal internal control

[17]Reviewing congressional budget justifications beginning in fiscal year 2012 allowed us to better understand how, if at all, DEA reported on DCE/SP performance prior to the time period that this review is focused on—2015 through fiscal year 2018.

[18]We discuss issues that limit DEA's ability to use its marijuana eradication and suppression data to assess program performance later in this report.

[19]Pub. L. No 103-62, 107 Stat. 285.

[20]Pub. L. No. 111-352, 124 Stat. 3866 (2011). See 31 U.S.C. § 1115. While GPRAMA requirements are applicable to the department or agency level, we have previously reported that they can serve as leading practices at other organizational levels, including the program, project, or activity level. See GAO*, Federal Criminal Restitution: Most Debt is Outstanding and Oversight of Collections Could Be Improved*, GAO-18-203 (Washington, D.C.: Feb. 2, 2018).

standards related to defining and measuring progress on agency objectives and using and communicating quality information;[21] and our prior work describing important attributes of successful performance measures.[22]

We conducted this performance audit from September 2017 through November 2018 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Federal and State Marijuana Laws

Marijuana refers to the dried leaves, flowers, stems, and seeds from the cannabis plant, which contains the psychoactive or mind-altering chemical delta-9-tetrahydrocannabinol (THC), as well as other related compounds. Marijuana is a controlled substance under federal law and is classified as a Schedule I drug—the most restrictive of categories of controlled substances by the federal government.[23] The Controlled Substances Act of 1970, as amended, does not allow Schedule I drugs, including marijuana, to be dispensed with a prescription,[24] and provides

[21]GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G, (Washington, D.C.: Sept. 10, 2014).

[22]See GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, GAO-03-143 (Washington, D.C.: Nov. 22, 2002) for a description of how we developed the attributes of effective performance goals and measures. Subsequent GAO work added baseline measure as an attribute of effective performance measures. See GAO, *Defense Health Reform: Additional Implementation Details Would Increase Transparency of DOD's Plans and Enhance Accountability*, GAO-14-49 (Washington, D.C.: Nov. 6, 2013).

[23]21 U.S.C. § 812(c), Schedule I (c)(10). The Schedule I classification is reserved for drugs that the federal government has found to have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. § 812(b)(1).

[24]21 U.S.C. § 829.

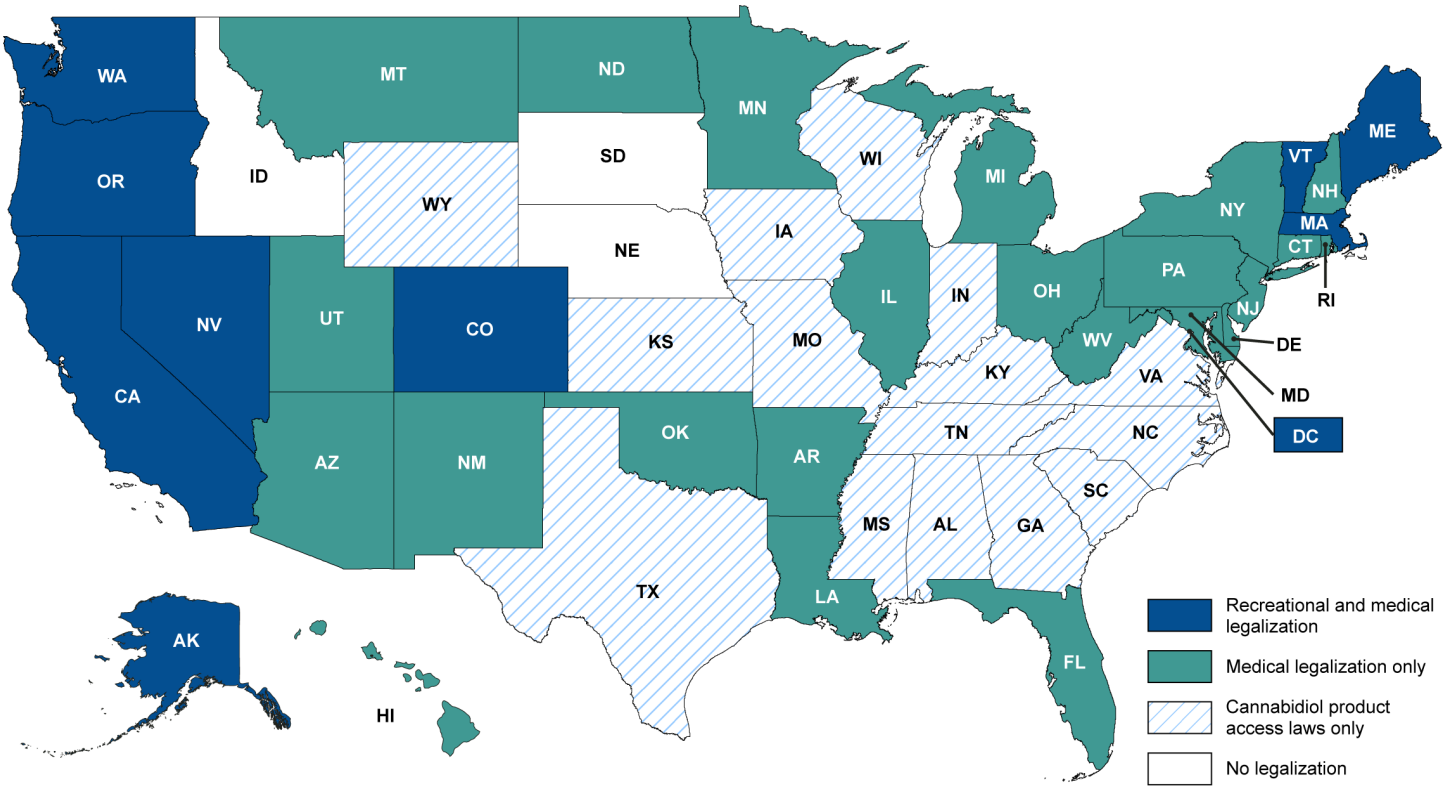
federal sanctions for the possession, manufacture, distribution, dispensing, or use of such drugs.[25]

However, as of July 2018, 32 states and the District of Columbia had passed voter initiatives or legislation legalizing marijuana for medical purposes under state or territorial law. Of these, nine states and the District of Columbia had also passed voter initiatives or legislation legalizing marijuana for recreational purposes under state or territorial law. In addition, another 15 states have laws only pertaining to the use of products containing cannabidiol, also known as CBD, one of the non-psychoactive ingredients in marijuana plants.[26] Nonetheless, federal penalties remain, and some marijuana-related activity may also be illegal under state law, including in states that have legalized marijuana for medical or recreational purposes. Figure 1 shows a map of marijuana legalization under state or territorial law, as of July 2018.

[25]Generally, the Controlled Substances Act of 1970, as amended, allows for the limited use of Schedule I drugs in the context of a government approved research project. 21 U.S.C. §§ 823(f), 841, 844.

[26]In June 2018, the U.S. Food and Drug Administration approved a cannabidiol product for the treatment of seizures associated with two specific forms of epilepsy in patients two years of age and older.

Figure 1: Marijuana Legalization under State or Territorial Law, as of July 2018



Source: GAO analysis of state laws; MapInfo (map). | GAO-19-9

Note: The laws states and territories have passed legalizing medical or recreational marijuana or the use of products containing cannabidiol vary, as does the extent to which states and territories have established regulatory and enforcement systems to implement those laws.

Illegal Marijuana Cultivation and Eradication

Marijuana is the only major illegal drug grown domestically, according to DEA. Individuals and larger organized groups, such as drug trafficking organizations, establish outdoor and indoor grow sites to cultivate marijuana. Outdoor grow sites can be located on privately-owned land, such as residential yards, farms, and timber lands, and publicly-owned land, such as national forests, as shown in Figure 2. Indoor grow sites can be located in residential houses and larger warehouses.

Figure 2: Examples of Outdoor Illegal Marijuana Grow Sites

Marijuana plants among corn on private farm land in California.

Illegal marijuana grow site on federal land in California.

Source: California Department of Justice—Campaign Against Marijuana Planting. | GAO-19-9

Previously, we, along with the U.S. Department of Agriculture's (USDA) Office of Inspector General (OIG) have reported on the environmental effects of illegal marijuana cultivation on federal lands.[27] For example, in 2010, we reported that illegal marijuana cultivation on federal lands can involve, among other things, the application of pesticides, herbicides, fertilizers, and other chemicals, including chemicals that may be banned in the United States; removal of natural vegetation; diversion of water from streams; and deposits of large amounts of trash and human waste.[28] In 2018, USDA's OIG reported that trash and chemicals such as pesticides and fertilizers may remain at eradicated marijuana grow sites

[27]GAO, *Federal Lands: Adopting a Formal, Risk-Based Approach Could Help Land Management Agencies Better Manage Their Law Enforcement Resources*, GAO-11-144 (Washington, D.C.: Dec. 17, 2010); and U.S. Department of Agriculture, Office of the Inspector General, *Drug Enforcement on National Forest System Lands*, Audit Report 08003-0001-22 (Washington, D.C.: Mar. 2018).

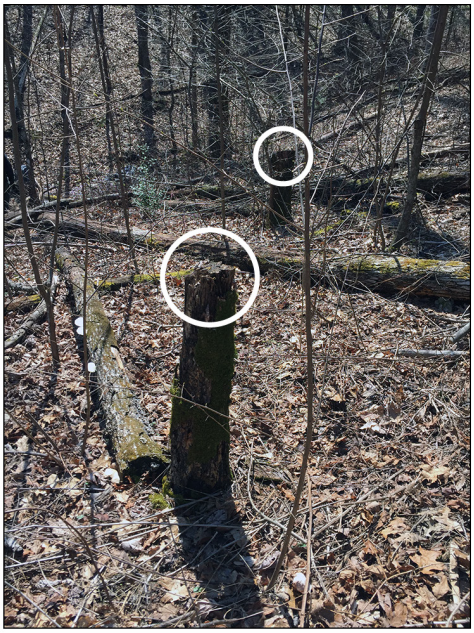
[28]GAO-11-144.

on national forest lands for multiple years, partly due to the cost of cleanup, which can reach as high as $100,000.[29] Figure 3 shows examples of environmental effects of illegal marijuana cultivation on federal lands in California and Georgia.

Figure 3: Examples of Environmental Effects of Illegal Marijuana Cultivation on Federal Lands

Water diversion through irrigation tubes on illegal marijuana grow site in California.

Trash and fertilizer on illegal marijuana grow site in California.



Removal of natural vegetation on illegal marijuana grow site in Georgia.

Source: GAO observations at selected sites in California and Georgia. | GAO-19-9

Marijuana eradication operations can encompass the following activities: seizure and destruction of marijuana plants, seizure and destruction of processed marijuana—which is smokeable marijuana in the drying process, loose, or packaged; confiscation of weapons and assets; and apprehension of individuals at the grow site. Additionally, operations may include the removal of trash and infrastructure, such as propane tanks and irrigation tubing, from outdoor grow sites during or after eradication operations to reduce the likelihood that growers will return.

[29]USDA OIG, Audit Report 08003-0001-22.

DEA's Domestic Cannabis Eradication/Suppression Program

DEA established DCE/SP in 1981 to support participating state and local law enforcement agencies in their efforts to eradicate and suppress illegal, domestically-grown marijuana.[30] Over the past three decades, DEA has provided support for marijuana eradication and suppression efforts through DCE/SP in all 50 states, Puerto Rico, Guam, and the U.S. Virgin Islands.[31] In fiscal year 2018, DEA obligated DCE/SP funding to 125 participating agencies in 37 states.[32]

DEA's Office of Operations Management, Investigative Support Section is responsible for the overall management and oversight of DCE/SP. Personnel from DEA's field divisions and contractors are responsible for implementing DCE/SP in the field. Specifically, DEA field divisions assign a special agent to serve as DCE/SP coordinator for each state in its area of responsibility. DCE/SP coordinators are responsible for reviewing participating agencies' annual strategic plans for DCE/SP, and approving certain purchase requests, among other things. DEA also contracts for analytical and administrative support for the program. The contract provides DEA with six personnel, referred to as regional contractors, whose primary duties include providing guidance to participating agencies on allowable program expenditures, and reviewing the information participating agencies report to DEA on their program expenditures and eradication and suppression activities.

DEA's implementation of DCE/SP is a multi-step process with activities performed by DEA and participating agencies during each step, as shown in Figure 4. Each year, DEA requests and receives funding for DCE/SP from DOJ's Assets Forfeiture Fund. To participate in DCE/SP, a state or local law enforcement agency must apply and enter into a reimbursable

[30]DEA's authority to conduct this program is derived from the Controlled Substances Act. Pursuant to 21 U.S.C. § 873(a), "[t]he Attorney General shall cooperate with local, State, tribal, and Federal agencies concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, the [Attorney General] is authorized to… conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted." The Attorney General has delegated this authority to the Administrator of DEA pursuant to 28 C.F.R. § 0.100.

[31]DEA does not have a clear definition for suppression, but the term relates to dismantling drug trafficking organizations and interdiction or intercepting of illegal marijuana in transit, according to DEA officials.

[32]DEA officials explained that the agency still coordinates with state and local law enforcement agencies in states without participating agencies to conduct marijuana enforcement activities.

funding agreement with DEA.[33] Specifically, a participating agency must submit an annual strategic plan describing, among other things, how it intends to use DCE/SP funding to address the illegal domestic marijuana threat in its area of responsibility, and coordinate with other federal agencies, such as the Forest Service. DEA and the participating agency then sign a letter of agreement, whereby the participating agency agrees to eradicate and suppress illegal marijuana as part of DCE/SP, and DEA agrees to provide a specified amount of funding to the participating agency to defray the costs of those activities. This agreement also outlines program restrictions and requirements for participating agencies, which include only using DCE/SP funds to reimburse expenses that DEA has deemed allowable; obtaining approval from DEA prior to expending DCE/SP funds on certain items; submitting an expenditure report to DEA each quarter; and collecting and reporting to DEA information on its marijuana eradication and suppression activities.

[33]DEA advances DCE/SP funds to participating agencies, which use the funds to reimburse themselves for allowable expenses.

Figure 4: Steps Taken to Implement the Drug Enforcement Administration's (DEA) Domestic Cannabis Eradication/Suppression Program (DCE/SP)

Step	Participating agency activity	DEA activity
1 Apply for DCE/SP funds	Prepare and submit annual strategic plan to the DCE/SP coordinator	Headquarters reviews previous year's operations, and requests and receives funding for DCE/SP from Department of Justice's Assets Forfeiture Fund DCE/SP coordinator reviews annual strategic plan and recommends funding level Field division management reviews annual strategic plan and finalizes funding recommendation
2 Obligate DCE/SP funds	Sign and return letter of agreement to the regional contractor	Headquarters reviews annual strategic plans and other information to determine funding level, and distributes letter of agreement to participating agency Field division management signs letter of agreement and obligates funds to participating agency
3 Expend DCE/SP funds	Expend DCE/SP funds on allowable expenses, and submit purchase requests for certain items Submit quarterly expenditure reports Collect and submit information on eradication and suppression activities	DCE/SP coordinator approves purchase requests up to $2,500; Headquarters approves requests over $2,500, or 10 percent of obligated funds Regional contractor reviews quarterly expenditure reports Regional contractor and DCE/SP coordinator review information on eradication and suppression activities
4 Close out program year	Submit final quarterly expenditure report and close-out paperwork, and return any unexpended funds	Headquarters reviews final quarterly expenditure report, and processes close-out paperwork and any returned funds

Source: GAO analysis of DEA information. | GAO-19-9

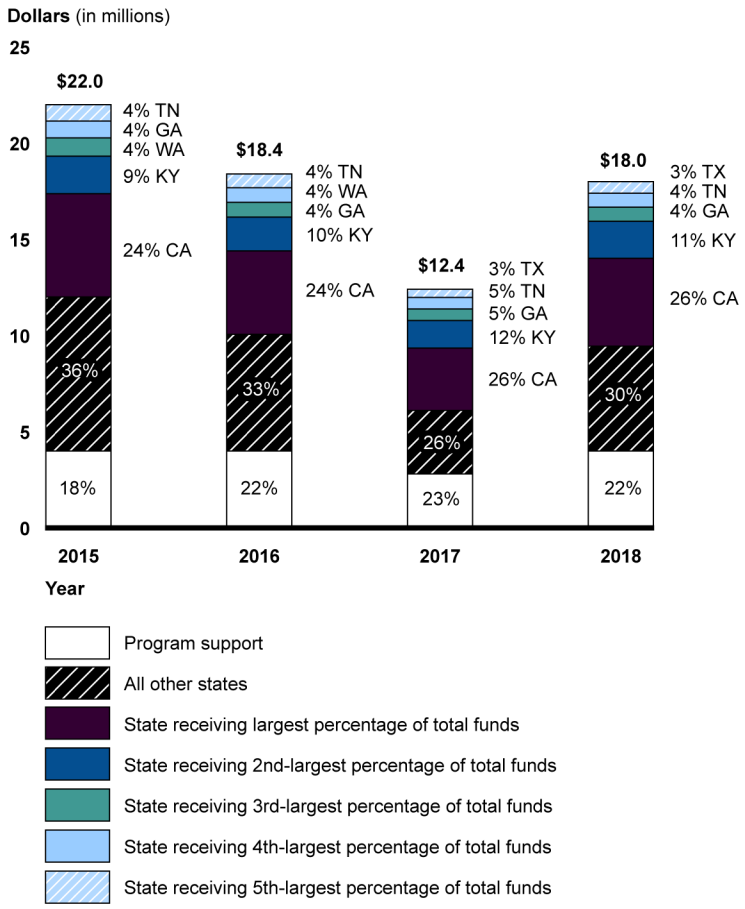
DEA Obligated Over $17 Million Annually on Average to DCE/SP in Recent Years; Participating Agencies Expended Most Funds on Aviation Support and Overtime

DEA Obligated Between $12.4 Million and $22 Million Annually to DCE/SP from 2015 Through Fiscal Year 2018; Five States Were Obligated About Half of the Funds Each Year

DEA obligated about $17.7 million annually on average to DCE/SP from 2015 through fiscal year 2018.[34] As shown in Figure 5, the total amount of funding DEA obligated to DCE/SP decreased from $22 million in 2015 to $12.4 million in fiscal year 2017, and increased to $18 million in fiscal year 2018.

[34]In 2015, DEA operated DCE/SP on a calendar year basis. Since 2016, DEA has operated DCE/SP on a fiscal year basis. According to agency documentation, DEA made this change to match the administrative and procedural deadlines for DOJ's financial systems. DEA data for 2015 included data from January 2015 through December 2015, while data for fiscal year 2016 included January 2016 through September 2016.

Figure 5: Funding the Drug Enforcement Administration (DEA) Obligated to the Domestic Cannabis Eradication/Suppression Program (DCE/SP) from 2015 through Fiscal Year 2018



Source: GAO analysis of Drug Enforcement Administration (DEA) data. | GAO-19-9

Note: In 2015, DEA operated DCE/SP on a calendar year basis. Since 2016, DEA has operated DCE/SP on a fiscal year basis. DEA data for 2015 included data from January 2015 through December 2015, while data for fiscal year 2016 included January 2016 through September 2016. DEA's data on DCE/SP obligations for fiscal year 2018 are current as of August 2018. In addition, percentages may not add to 100 due to rounding.

During each year of the 4-year time frame we reviewed, DEA obligated most of the DCE/SP funds to support the marijuana eradication efforts of the participating agencies—for example, $14 million of the $18 million in fiscal year 2018 went to 125 participating agencies in 37 states, or approximately $378,000 on average per state. DEA obligated the remaining funds—for example, $4 million in fiscal year 2018—to pay for program support. This support includes payments for the following items:

- The DEA Aviation Division, which provided reconnaissance, surveillance, undercover operations, and marijuana eradication support to selected participating agencies, according to DEA documentation.[35] The Aviation Division prioritized its support to participating agencies based upon their past eradication operations, the availability of aviation support provided by other participating agencies, and DCE/SP coordinators' request for support.
- Equipment, travel, and training for DEA headquarters and field divisions to support eradication activities.
- Six regional contractors that provided administrative support to the program.

Figure 5 also shows that in each year from 2015 through fiscal year 2018, about half of total DCE/SP funds went to participating agencies in five states. For example, in fiscal year 2018 DEA obligated 48 percent of these funds to participating agencies in California, Kentucky, Georgia, Texas, and Tennessee. Moreover, by magnitude, California, Kentucky, Georgia, and Tennessee were among the top five states in each of the 4 years we examined.[36]

DEA headquarters officials reported that they obligate funding to participating agencies based on various factors, including the agencies' past performance, their level of matching investment in the program, and the approximate amount of illegal growing in an area. DEA headquarters officials noted that some marijuana grows may still be illegal under state and local law—even in those states that have legalized or regulated marijuana in some form under state or local law. As such, DEA has obligated funds to participating agencies in states with and without some form of marijuana legalization under state law.

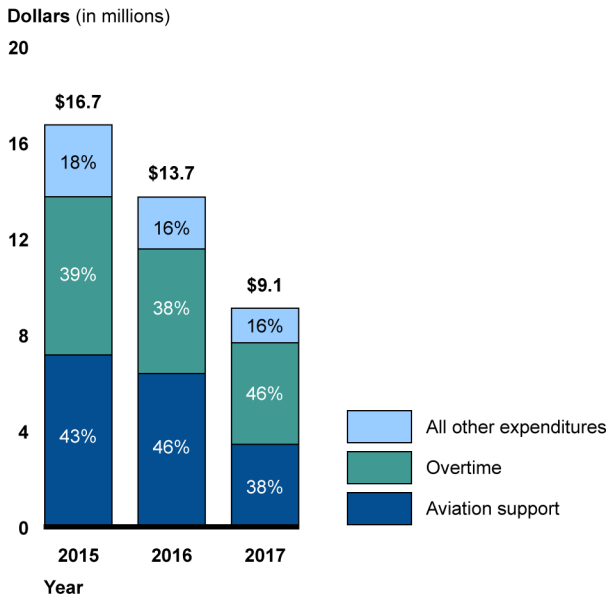
[35]According to DEA documentation, the Aviation Division's mission is to provide aviation support to operational and intelligence elements within DEA and the law enforcement community to detect, locate, identify, and assess illicit narcotics-related trafficking activities. To accomplish its mission, the Aviation Division employs a fleet of airplanes and helicopters flown by specially-trained special agent pilots.

[36]For more information on amounts of obligated and expended DCE/SP funding by state and territory for each year from 2015 through fiscal year 2018, see appendix 1.

Participating Agencies Expended Most Funds on Aviation Support and Overtime in Recent Years

Participating state and local agencies have expended DCE/SP funds on a range of items, as described below. However, we calculated that two items— aviation support and overtime —accounted for a large majority of their expenditures in each of the 3 years we reviewed from 2015 through fiscal year 2017.[37] For example, participating agencies expended 46 percent on overtime and 38 percent on aviation support in fiscal year 2017, as shown in Figure 6.[38]

Figure 6: Participating Agencies' Domestic Cannabis Eradication/Suppression Program (DCE/SP) Expenditures from 2015 through Fiscal Year 2017



Source: : GAO analysis of Drug Enforcement Administration (DEA) data. | GAO-19-9

Note: In 2015, DEA operated DCE/SP on a calendar year basis. Since 2016, DEA has operated DCE/SP on a fiscal year basis. DEA data for 2015 included data from January 2015 through December 2015, while data for fiscal year 2016 included January 2016 through September 2016.

Aviation Support. Participating agencies expended 43 percent ($17.0 million) of their DCE/SP funds to rent aircraft or purchase fuel for aviation support from 2015 through fiscal year 2017, according to DEA data. For

[37]Fiscal year 2018 expenditure data were not available at the time of our review.

[38]Participating agencies are required to return any unexpended DCE/SP funds to DEA. Therefore, the expenditure data we report in this section represent percentages of total DCE/SP expenditures nationwide rather than a percentage of total obligated funds.

example, officials from a participating state agency in California reported expending DCE/SP funds to contract for the use of helicopters for at least 90 days per year, which they use to support marijuana eradication efforts across the state.[39] Officials from participating local agencies in California reported that aircraft support is critical to their marijuana eradication efforts because it allows them to conduct aerial surveillance to detect possible marijuana grow sites, transport personnel in and out of grow sites in remote areas, and remove large quantities of marijuana plants from grow sites, as shown in Figure 7.

Overtime. Participating agencies expended 40 percent ($16.0 million) of their DCE/SP funds to pay employee overtime from 2015 through fiscal year 2017, according to DEA data.[40] Officials from a participating agency in Nevada told us that marijuana eradication is labor-intensive—in some cases involving long hikes and camping in the mountains—which can result in overtime costs. In addition, officials from a participating agency in Michigan told us that they expend DCE/SP funds to reimburse members of state task force teams for overtime costs incurred during their participation in marijuana eradication operations, which generally involves 1- to 3-hour extensions of their regular shifts.

[39]These officials were from the Campaign Against Marijuana Planting (CAMP). CAMP's members include federal, state, and local law enforcement agencies, including the California Department of Justice and U.S. Forest Service, among others. CAMP provides leadership, aviation resources, and marijuana eradication assistance, with an emphasis on marijuana eradication on public lands and private land that had been trespassed upon. CAMP's services are available to all California law enforcement agencies upon request. CAMP officials reported that they provided services to 34 counties in California in 2017.

[40]According to DEA guidance, participating agencies may expend DCE/SP funds to pay overtime costs of officers participating in eradication activities if the officers otherwise would be unable to participate. Participating agencies may not expend DCE/SP funds to hire and pay additional staff or pay employee benefits.

Figure 7: Examples of How Participating Agencies Have Expended Domestic Cannabis Eradication/Suppression Program (DCE/SP) Funds to Support Their Marijuana Eradication Operations

Prepare for eradication operations

Training
Train personnel on eradication operations, first aid, and other related training.

Supplies, clothing, and protective gear
Purchase supplies, clothing, and protective gear used during operations, such as machetes, Global Positioning System devices, and gloves.

Aerial surveillance

Aviation support
Rent helicopters and purchase fuel to detect possible marijuana grow sites.

Travel to and from eradication site

Travel and per diem
Travel and per diem costs incurred traveling to and from operations.

Enter the site on foot, by all-terrain vehicle or by helicopter

Equipment
Purchase equipment, such as all-terrain vehicles and trailers to help personnel access eradication sites.

Aviation support
Rent helicopters and purchase fuel to transport personnel in and out of sites.

Chop or pull marijuana plants

Overtime
Overtime costs incurred during eradication efforts.

Remove infrastructure and plants, store or destroy plants

Aviation support
Rent helicopters and purchase fuel to remove infrastructure and plants from sites.

Storage
Rent or purchase containers for storing plants or other evidence that may be used during prosecutions.

Source: GAO analysis of Drug Enforcement Administration (DEA) and participating agencies' information; GAO observations at selected sites in California and Texas; California Department of Justice—Campaign Against Marijuana Planting. | GAO-19-9

Travel and per diem. Participating agencies expended 6 percent ($2.3 million) of their DCE/SP funds to pay travel and per diem costs from 2015 through fiscal year 2017, according to DEA data. For example, officials from a participating agency in Nevada reported that traveling to marijuana grow sites in remote areas may take up to 6 hours, which requires them to incur travel and per diem costs for overnight stays. In addition, DEA headquarters officials reported that officials from participating agencies who attend the DCE/SP national strategic meeting are permitted to expend DCE/SP funds to pay for travel and per diem expenses. According to DEA headquarters officials, federal, state, and local officials from across the country attend the strategic meeting to discuss trends and issues related to illegal marijuana cultivation, and DCE/SP's priorities and goals.

Supplies, clothing, and protective gear. Participating agencies expended 3 percent ($1.1 million) of their DCE/SP funds to purchase supplies, and another 2 percent ($0.8 million) to purchase clothing and protective gear from 2015 through fiscal year 2017, according to DEA data.[41] For example, officials from a participating agency in Texas reported expending DCE/SP funds to purchase machetes for cutting marijuana plants; cameras for taking pictures or filming at eradication sites;[42] backpacks and hydration bladders; Global Positioning System devices for navigation; first aid kits; gloves to protect personnel from pesticides, fertilizers, and other hazardous chemicals;[43] and heavy-duty pants and shirts, as shown in Figure 7.

Equipment. Participating agencies expended 3 percent ($1.0 million) of their DCE/SP funds to purchase equipment from 2015 through fiscal year 2017, according to DEA data. For example, officials from participating agencies in Georgia, Kentucky, and Texas told us that they have expended DCE/SP funds to purchase all-terrain vehicles, which they use

[41]According to DEA guidance, "supplies and materials" and "clothing and protective gear" are separate categories of allowable expenses. For simplicity, we refer to them collectively as "supplies, clothing, and protective gear" in Figure 7.

[42]These officials reported that they film the eradication of marijuana plants, including the roots, if they anticipate pursuing prosecution of individuals in connection with an illegal marijuana grow site. After they have uprooted and filmed a sufficient number of plants required for prosecution, they may elect to cut the remaining plants.

[43]According to state officials in California, some of the chemicals used by growers at illegal marijuana grow sites are banned in the United States due to their high toxicity and potential for contamination of humans and the environment.

to help access marijuana grow sites more quickly than on foot, and help them to navigate difficult terrain, including mountainous areas. Figure 7 includes a photo of an all-terrain vehicle purchased with DCE/SP funds.

All other expenditures. Participating agencies expended 2 percent ($0.6 million) of their DCE/SP funds on training, and another 1 percent ($0.4 million) on miscellaneous commercial contracts from 2015 through fiscal year 2017. Participating agencies also expended less than 1 percent of their DCE/SP funds on both container and space rental ($0.2 million) and vehicle rental ($0.1 million) from 2015 through fiscal year 2017.

Factors that affect how participating agencies expended funds. Officials from participating agencies we spoke with in six selected states—California, Georgia, Kentucky, Michigan, Nevada, and Texas—as well as DEA and Forest Service, provided perspectives on factors that affected how participating agencies expended DCE/SP funds to support their marijuana eradication efforts.

State marijuana legalization. Officials we spoke with said that they expended DCE/SP funds to help eradicate marijuana grow sites not in compliance with their state and local laws. For example, in Georgia—where medical or recreational marijuana has not been legalized under state law—state officials reported that they strive to eradicate all marijuana grow sites.[44] By comparison, state and local officials in California—where medical and recreational use of marijuana is legal under state law—said that all of the grow sites they eradicate are in violation of state and local laws. These grow sites include those on public lands such as national forests, and private land that had been trespassed upon.[45]

Marijuana eradication on national forests. DEA requires participating agencies to coordinate with Forest Service when conducting DCE/SP-funded eradication efforts on national forests.

[44]Cultivation of marijuana in Georgia is not legal under state law for any purpose. However, state law permits the use of products containing cannabidiol, one of the non-psychoactive ingredients in marijuana plants, and limited amounts of the psychoactive chemical THC, under certain circumstances.

[45]We interviewed state officials from CAMP and officials from participating local agencies that were geographically close to where we conducted our in-person visits in northern California.

Officials from Forest Service and participating agencies we spoke with reported that they coordinate with one another when planning and conducting marijuana eradication on national forests—and that some of these efforts are funded by DCE/SP. For example, Forest Service officials in Kentucky reported that they participate in planning meetings with the state's marijuana eradication task force. During the eradication season, Forest Service conducts aerial surveillance in helicopters funded by the state police using DCE/SP funds, and assists with eradication operations when available. As another example, officials in Georgia reported expending DCE/SP funds to conduct aerial surveillance to detect possible marijuana grow sites on national forests.

Officials from some participating agencies we spoke with reported that they were able to expend DCE/SP funds to assist Forest Service with the removal of infrastructure such as sleeping bags and irrigation tubes at marijuana grow sites on national forests. For example, officials from a participating state agency in California reported that they assist with the removal of basic infrastructure and chemicals when feasible. However, Forest Service is responsible for the removal of infrastructure and subsequent environmental reclamation on national forests.

DEA Oversees Participating Agencies' Expenditure of DCE/SP Funds in Various Ways, but Does Not Consistently Collect the Supporting Documentation

DEA Provides Guidance, Pre-approves Purchases, Conducts On-Site Observations, and Reviews Information on Participating Agencies' Expenditures to Help Ensure Compliance with Program Requirements

DEA oversees participating agencies' expenditure of DCE/SP funds in various ways to help ensure compliance with program requirements, including the following:

Provides guidance. DEA provides participating agencies a copy of its *DCE/SP Handbook* which describes, among other things, information on allowable and non-allowable uses of DCE/SP funds. For example, the *Handbook* explains that participating agencies may expend DCE/SP funds to pay overtime costs of officers participating in eradication activities if the officers otherwise would be unable to participate, but may not expend DCE/SP funds to pay for employee benefits. In addition, participating agencies may expend DCE/SP funds on equipment, such as all-terrain vehicles and Global Positioning System devices, but not purchase body armor, firearms, or tasers.[46] See Table 1 for additional information on allowable uses of DCE/SP funds.

Table 1: Allowable Uses of Domestic Cannabis Eradication/Suppression Program (DCE/SP) Funds

Allowable Use	Example
Aircraft expenses	Renting aircraft and purchasing fuel
Clothing and protective gear	Boots and gloves
Container and space rental	Renting storage facilities and training facilities
Miscellaneous commercial contracts	Contracting for environmental impact statements or satellite phones
Overtime	Paid to state and local officers for eradication efforts
Supplies and materials	Machetes and rope
Training	First aid, eradication operations
Travel and per diem	Mileage and airfare for traveling to eradication operations
Vehicle rental	Specific short-term special use vehicle rentals

Source: Drug Enforcement Administration's (DEA's) June 2016 *DCE/SP Coordinator Handbook and Program Guide*; GAO interviews with participating agencies. | GAO-19-9

Note: DEA's guidance on allowable and non-allowable uses of DCE/SP funds is not intended to be exhaustive.

[46]DEA's guidance on allowable and non-allowable uses of DCE/SP funds is not intended to be exhaustive. For example, the guidance allows a participating agency to request pre-approval to purchase an item that is not listed in the guidance. Once received, DEA would then make a determination whether the item can be purchased using DCE/SP funds.

Pre-approves certain purchases. DEA pre-approves certain equipment purchases, and requires additional review procedures to pre-approve higher-cost items. According to DEA guidance and headquarters officials, participating agencies are required to submit a purchase request form to DEA for the purchase of all durable supplies, materials, and equipment.[47] A participating agency must also attach supporting documentation along with the request form—including price quotes, a description of the items, and intended use. Purchases up to $2,500 are approved by the DCE/SP coordinator, while purchases greater than $2,500, or 10 percent or more of an agency's obligated funds, also require approval from the DEA Special Agent in Charge in the applicable DEA field division, who then passes the request along to DEA headquarters officials for final approval.

Conducts on-site observations. DEA headquarters officials told us that, as part of their oversight for fiscal year 2017, they conducted on-site observations of participating agencies in seven states at training events, eradication operations, and participating agencies' facilities. DEA headquarters officials said that they selected the site visit locations based on participating agencies' funding levels and input from DEA field officials, among other factors. According to these officials, site visits allowed DEA to observe participating agencies' equipment and compare it with documentation on pre-approved equipment purchases and reported expenditures.

DEA was unable to provide information about the location or results of site visits prior to fiscal year 2017 due to both a lack of documentation and recent personnel turnover. However, DEA began documenting the location and results of site visits for fiscal year 2017. According to officials, the site visits did not reveal instances of misuse of funds in fiscal year 2017. Officials noted that documenting site visits is an important practice that will help inform the program's plans for future site visits, and could help DEA identify best practices for marijuana enforcement to share with participating agencies.

In addition, some DCE/SP coordinators we spoke with said that on-site observations help them to oversee participating agencies' expenditure of program funds in the field. For example, one DCE/SP coordinator said that he has daily on-site contact with participating agencies, and that

[47]DEA does not require pre-approval for non-durable goods, which it defines as items that are consumed or destroyed in use and have a shelf-life of less than one year, such as ice, sports drinks, or bug spray.

although he had not observed any misuse of funds, his on-site presence would allow him to detect misuse if it were to occur.

Reviews information on program expenditures. DEA's *DCE/SP Handbook* requires participating agencies to submit cumulative quarterly expenditure reports specifying how much the agency expended in each of the allowable expense categories, such as overtime, aviation support, and equipment.[48] DEA regional contractors are required to review quarterly expenditure reports, and sign and submit the reports to headquarters for further review. Headquarters officials told us that they may ask participating agencies to clarify reported expenditures, and DEA may withhold funding if necessary until any issues are resolved. DEA also requires participating agencies to provide supporting documentation, such as receipts, for certain expenses claimed in the end-of-year quarterly expenditure reports.[49]

DEA Does Not Consistently Collect Supporting Documentation for Participating Agencies' Reported Expenditures

Notwithstanding these efforts to oversee participating agencies' expenditure of DCE/SP funds, DEA does not consistently collect supporting documentation from participating agencies regarding their reported DCE/SP expenditures. As noted above, participating agencies are required to submit a copy of a receipt or other supporting documentation for certain expense claimed in the end-of-year quarterly expenditure reports, and regional contractors are responsible for collecting this information. However, the DEA regional contractors we spoke with had differing understandings of DEA's requirement regarding the collection of information on DCE/SP expenditures, and indicated to us that they are collecting varying levels of supporting documentation. For example,

- One regional contractor told us that DEA does not specify the completeness of supporting documentation that regional contractors are required to collect. Nonetheless, he still collects supporting

[48]DEA's quarterly expenditure report states that copies of receipts or supporting documentation are required for all expenses claimed, but it does not specify the extent to which these receipts must be submitted to DEA.

[49]According to the DCE/SP letter of agreement between DEA and each participating agency, participating agencies are required to include with their end-of-year quarterly expenditure report supporting documentation for previously approved equipment purchases greater than $2,500, as well as expenditures associated with the rental or leasing of vehicles or aircraft.

documentation for all expenses, which in some cases may consist of 200 pages for a single quarterly expenditure report.

- Another regional contractor told us that he is required to collect quarterly expenditure reports, and participating agencies are required to maintain supporting documentation internally.[50] He stated that the completeness of supporting documentation he collects varies by participating agency within his region. For example, one participating state agency in his region submits supporting documentation to DEA for pre-approved equipment purchases only, but maintains supporting documentation for other expenditures internally as required. In contrast, he explained, other participating agencies in his region provide supporting documentation for all expenditures, including aviation support and overtime.
- A third regional contractor said the only clear requirement DEA has regarding the collection of information on program expenditures is that regional contractors must collect supporting documentation for large equipment expenditures. However, he still collects supporting documentation for all expenditures, including overtime.
- A fourth regional contractor told us that he is only required to collect supporting documentation for equipment, material, supply, and clothing expenditures. Accordingly, he collects supporting documentation for these expenditures from all participating agencies in his region. Some participating agencies in his region provide supporting documentation for all their expenditures, including aviation support and overtime.

Officials in headquarters told us that although they were not fully aware of these varying practices for collecting supporting documentation, they had confidence that participating agencies were maintaining documentation internally as required. Moreover, DEA headquarters officials told us that they expect regional contractors to collect supporting documentation for aviation support and overtime expenses when participating agencies submit their end-of-year quarterly expenditure report. However, it is our assessment that this expectation differs from DEA's written requirement because the requirement does not include supporting documentation for overtime expenses.

[50]DEA's letters of agreements require participating agencies to maintain documentation on program expenditures and make it available for examination and auditing by DEA, DOJ's Office of Inspector General, and our agency. In addition, participating agencies are required to maintain this documentation for 3 years after termination of the agreement or until all audits and examinations are completed and resolved, whichever is longer.

Based on the results of our audit work, DEA headquarters officials said that they had taken initial steps to address this issue. In particular, officials said that they plan to convene a working group to discuss a potential update to DEA's requirements for the collection of supporting documentation after the eradication season in 2018.[51] In addition, officials said they had met with regional contractors to discuss potential solutions to address this issue. However, DEA headquarters officials could not provide us with a plan for this effort. Standards for project management call for developing a plan with specific actions and time frames.[52] By developing and implementing such a plan to ensure that regional contractors are implementing DEA's requirement for collecting supporting documentation in the intended manner, DEA could have greater assurance that program funds are being expended appropriately.

DEA Collects and Uses Information on Program Activities to Help Manage DCE/SP, but Should Strengthen Data Reliability, Clearly Document Goals, and Establish Measures

[51]According to DEA headquarters officials, the eradication season varies by region but typically lasts from spring to fall.

[52]Project Management Institute, Inc., *A Guide to the Project Management Body of Knowledge (PMBOK® Guide)*, Sixth Edition, 2017.

DEA Collects and Uses Information on Number of Plants Eradicated and Other Program Activities to Help Manage DCE/SP

DEA collects information from participating agencies and DEA field officials on their marijuana eradication and suppression activities to help manage DCE/SP, such as the number of marijuana plants eradicated, pounds of processed marijuana seized, and number of arrests made. For example, according to DEA's DCE/SP statistical reports, over 4 million illegal domestic marijuana plants, on average, were eradicated annually from 2015 through fiscal year 2017.[53] Participating agencies are required to report information on their marijuana eradication and suppression activities to DEA. DEA also collects information on marijuana eradication and suppression activities its officials conduct in the field.[54] For example, DEA field officials may unilaterally conduct eradication and suppression activities or provide support to other law enforcement agencies that do not receive program funding (nonparticipating agencies) on marijuana enforcement efforts, and report information on these activities.

According to DEA documents and headquarters officials, DEA uses this information to help manage the program in a variety of ways. Specifically, DEA uses the information to develop and maintain a national assessment of illegal domestic marijuana cultivation; inform the scope and nature of program activities for future years; support the program's funding request and determine funding levels for participating agencies; and assess performance on an agency-wide objective related to dismantling drug trafficking organizations. DEA also reports this information on DCE/SP's public website.[55]

Participating Agencies' Practices for Reporting Some of Their Marijuana Eradication and Suppression Activities Differ from DEA Guidance

We found that participating agencies have practices for reporting information on some of their marijuana eradication and suppression activities that differ from DEA's written guidance. Moreover, we found that stakeholders at all levels—participating agencies as well as DEA field and headquarters officials—had varying understandings of what participating agencies are required to report to DEA for DCE/SP. As a result, the information DEA collects is not fully reliable for the purpose of assessing program performance.

[53]We discuss issues that limit DEA's ability to use its marijuana eradication and suppression information to assess program performance in the next section of the report.

[54]The majority of the information on eradication and suppression activities is reported by participating agencies, according to DEA headquarters officials.

[55]Drug Enforcement Administration (DEA), *DEA Programs: Cannabis Eradication*, accessed July 11, 2018, https://www.dea.gov/ops/cannabis.shtml.

According to DEA guidance, participating agencies are required to report information—such as the number of marijuana plants eradicated—only from eradication and suppression activities funded by DCE/SP. However, among the six states we contacted, officials from participating agencies in four states and a DCE/SP coordinator from a fifth state told us that they also include information on activities from nonparticipating agencies in the information reported to DEA.[56] As a result of this broadening of information being reported, DEA does not have a fully accurate representation of the activities being performed by agencies receiving DCE/SP funding.[57] Officials from these five states told us that they included this information to provide DEA with a more comprehensive assessment of the illegal domestic marijuana cultivation issue in their area. DEA headquarters officials were not aware of this reporting practice. Moreover, officials said that participating agencies should only report information resulting from their DCE/SP-funded operations, which may include results from support they provide to nonparticipating agencies. For example, if a participating agency provides support to a nonparticipating agency in the form of aircraft surveillance to help identify illegal grow sites, or additional officers to assist with an eradication operation, the participating agency should report the results from those activities to DEA. However, these expectations are not defined in DEA guidance.

DEA guidance also states that participating agencies should make every effort to not report eradication and suppression information resulting from interdiction activities, which are not considered DCE/SP-funded operations. For example, marijuana seized by a participating agency during a routine traffic stop—a type of interdiction activity—should not be reported. However, we found that participating agencies had varying understandings of whether or not to report this information to DEA. As a result, information DEA collects from these officials is not consistent. Specifically, we identified three different practices that participating

[56]DEA officials told us that participating agencies directly report information on marijuana and suppression activities to DEA through one of the agency's information systems. However, participating agencies in one of our selected states report their information to the DCE/SP coordinator who then enters the information into DEA's information systems on their behalf.

[57]Officials from some of these agencies offered estimates for the proportion of their agency's information that can be attributed to activities of nonparticipating agencies, which ranged from less than 1 percent to 10 percent.

agencies followed to report eradication and suppression information resulting from routine traffic stops:

- report marijuana seized during routine traffic stops only if the marijuana can be linked back to a domestic source;
- report all marijuana seized during routine traffic stops irrespective of source; and
- do not report any marijuana seized during routine traffic stops.

Further, we found that DEA field officials responsible for providing guidance to participating agencies had varying understandings of whether participating agencies should report information on marijuana seized during routine traffic stops to DEA. For example, two DCE/SP coordinators told us that information resulting from routine traffic stops should not be reported because DCE/SP is focused on the eradication of illegal marijuana grow sites. However, 3 of the 4 DEA regional contractors we spoke with said that participating agencies should report information resulting from routine traffic stops only if the marijuana seized can be tracked to a domestic source.

DEA headquarters officials were not aware of these differing reporting practices and varying understandings. Headquarters officials told us that they expect participating agencies to report information on marijuana seized during routine traffic stops only if the marijuana can be linked to a domestic source. However, our assessment is that this expectation is not consistent with DEA's written guidance. Officials explained that interdiction activities, such as routine traffic stops, are relevant to marijuana suppression, especially in light of recent changes in illegal marijuana cultivation and trafficking trends.[58] For example, according to DEA officials, Kansas—a state without marijuana legalization—has recently experienced a decrease in the number of illegal outdoor marijuana grow sites in conjunction with an increase in the amount of illegal domestic marijuana being trafficked into the state from Colorado—a state with recreational and medical marijuana legalization.

Standards for Internal Control in the Federal Government state that management should use quality information—including accurate and

[58]According to DEA headquarters officials, suppression is not clearly defined but relates to dismantling drug trafficking organizations and interdiction or intercepting of illegal marijuana in transit.

consistent information—to achieve the entity's objectives. Federal standards for internal control also state that management should communicate the necessary quality information internally and externally to achieve the entity's objectives.[59] Based on the results of our audit work, DEA headquarters officials said that they had taken initial steps and have additional plans to update DEA's written guidance. For example, officials told us that they plan to convene a working group to help address this issue after the eradication season in 2018. This working group will, according to officials, elicit input from DEA headquarters, regional contractors and DCE/SP coordinators in the field, as well as participating agencies. However, DEA headquarters officials could not provide us with any details or documentation of its initial steps and additional plans to address this issue. Clarifying the guidance and communicating it to participating agencies and DEA field officials—for example, by sharing the updated guidance with them, discussing reporting practices during its national strategic meeting, or including the guidance in DEA information systems—would help ensure the consistent application of the guidance, and as a result, improve the reliability of the information DEA collects. The improved information could help DEA assess program performance and manage the program more effectively.

DEA Has Not Clearly Documented All of Its Program Goals, and Does Not Have Measures to Assess Performance

Although DEA collects and uses information on DCE/SP activities to help manage the program, it has not clearly documented all of its program goals and has not developed performance measures to assess whether the agency is making progress towards achieving its goals.

We did not find explicitly-labeled program goals in the *DCE/SP Handbook*, DEA budget justification documents, and DEA's webpage which we reviewed.[60] However, we found the following four statements which appeared to reflect program goals:

1. halt the spread of marijuana cultivation in the United States;
2. eradicate marijuana that is illegally cultivated by a person or drug trafficking organization;

[59]GAO-14-704G.

[60]DEA, *DEA Programs: Cannabis Eradication*, accessed July 11, 2018, https://www.dea.gov/ops/cannabis.shtml.

3. disrupt and dismantle drug trafficking organizations and deprive these organizations of significant revenue streams;[61] and
4. deter the illegal cultivation of marijuana through arrest, prosecution, incarceration of cultivators and seizure of drug-derived assets, and by making cultivation untenable due to increased law enforcement activities.

DEA headquarters officials confirmed to us that the statements above reflected the goals of the program. However, they also described the following additional goals that are not explicitly defined in agency or program documentation:

- maximize the number of law enforcement agencies that participate in the program;
- improve safety during operations through increased access to training and eradication schools; and
- share information on illegal marijuana cultivation among law enforcement agencies.

Headquarters officials explained that because they are still relatively new to the program—having arrived in 2016—they had not yet documented these goals. Officials said they plan to document the program goals in the future, but did not provide specific time frames for doing so. *Standards for Internal Control in the Federal Government* state that management should define objectives clearly to enable identification of risks and define risk tolerances. Moreover, objectives are to be specific and measurable so they can be understood at all levels of the entity and that performance towards achieving those objectives can be assessed.

Further, DEA has not developed performance measures with baselines, measurable targets, and linkage to program goals—several important attributes we have previously identified that performance measures should include if they are to be effective in monitoring progress and

[61]According to DEA, "disruption" means impeding the normal and effective operation of the targeted organization, as indicated by changes in organizational leadership or changes in methods of operation, such as financing, trafficking patterns, communications or drug production. "Dismantlement" means destroying the organization's leadership, financial base and supply network such that the organization is incapable of operating and/or reconstituting itself.

determining how well programs are achieving their goals.[62] Baselines enable decision makers to assess the program's performance over time. Identifying and reporting deviations from the baseline as a program proceeds provides valuable oversight by identifying areas of program risk and their causes to decision makers. Measurable targets help decision makers conduct assessments of whether program goals were achieved. Lastly, linkages between an organization's goals and performance measures create a line of sight so that everyone understands how program activities contribute to the organization's goals.

DEA headquarters officials agreed that developing baselines to monitor trends in program performance over time would be useful for program management. However, officials said that setting measurable targets would be challenging because of factors outside of DEA's control that may affect eradication efforts, including extreme weather events and changes in illegal marijuana cultivation and trafficking trends. However, DEA currently has performance measures with measurable targets for some of its drug enforcement-related programs and activities. For example, DEA has a performance measure with a measurable target for its agency-wide objective related to dismantling drug trafficking organizations—maximizing the monetary value of currency, property, and drugs seized.[63] This performance measure reflects the outcomes of multiple activities across DEA, including DCE/SP. Further, while we agree that developing drug enforcement-related performance measures with measurable targets may be difficult, targets can help DEA evaluate past performance and make informed decisions about future operations, including allocating resources or developing strategies for the purpose of maintaining or improving performance.

GPRAMA directs agencies to develop and document goals, as well as performance measures to assess progress towards their goals.[64] While

[62]GAO developed 10 important attributes of successful performance measures. See GAO, *Tax Administration: IRS Needs to Further Refine Its Tax Filing Season Performance Measures*, GAO-03-143 (Washington, D.C.: Nov. 22, 2002); GAO, *Defense Health Care Reform: Additional Implementation Details Would Increase Transparency of DOD's Plans and Enhance Accountability*, GAO-14-49 (Washington, D.C.: Nov. 6, 2013).

[63]For example, DEA's target for its performance measure on the monetary value of currency, property, and drugs seized was $2.8 billion in fiscal year 2018.

[64]GPRA, Pub. L. No. 103-62, 107 Stat. 285 (1993), was updated by the GPRA Modernization Act of 2010, Pub. L. No. 111-352, 124 Stat. 3866 (2011); 31 U.S.C. § 1115 (relating to agency performance plans and performance measurement).

those requirements are applicable to the department or agency level (e.g., DOJ), we have previously reported that they can serve as leading practices at other organizational levels, including the program, project, or activity level.[65] Agencies can use performance measurement to make various types of management decisions to improve programs and results, such as developing strategies and allocating resources, including identifying problems and taking corrective action when appropriate.[66] Clearly documenting all program goals and developing performance measures with baselines, measurable targets, and linkage to program goals could provide DEA with the information it needs to assess progress and make informed decisions about current and future operations.

Conclusions

Despite states' legalization of marijuana for medical or recreational purposes, illegal marijuana cultivation continues to occur. As the nation's primary federal law enforcement agency for investigating and enforcing potential violations of controlled substance laws and regulations, DEA aims to halt the spread of illegal domestic marijuana cultivation. To accomplish this goal, DEA has provided financial assistance through DCE/SP to support participating state and local law enforcement agencies' efforts to curb illegal domestic marijuana cultivation for almost four decades. These participating agencies have collectively eradicated several million illegal domestic marijuana plants annually in recent years.

Nonetheless, DEA management can take further actions to improve its oversight of various aspects of the program. Specifically, by developing and implementing a plan with specific actions and time frames to ensure that DEA field staff are consistently implementing the agency's requirements for collecting information on program expenditures, DEA will be better positioned to ensure that program funds are being expended appropriately. Additionally, by clarifying its guidance on the eradication and suppression activities participating agencies are required to report—and communicating the guidance to participating agencies and relevant DEA officials—DEA will have more reliable information to assess program performance and manage the program effectively. Finally, by clearly

[65]GAO, *Environmental Justice: EPA Needs to Take Additional Actions to Help Ensure Effective Implementation,* GAO-12-77, (Washington, D.C: Oct. 6, 2011) and *Motor Carriers: Better Information Needed to Assess Effectiveness and Efficiency of Safety Interventions*, GAO-17-49, (Washington, D.C.: Oct. 27, 2016).

[66]GAO, *Managing For Results: Enhancing Agency Use of Performance Information for Management Decision Making*, GAO-05-927 (Washington, D.C.: Sept. 9, 2005).

documenting program goals for DCE/SP and developing related performance measures with baselines, measurable targets, and linkage to those goals, DEA will be better able to assess the program's performance over time and, if necessary, redirect resources to effective eradication and suppression efforts. Moving in this direction could help program investments achieve even greater results.

Recommendations for Executive Action

We are making the following four recommendations to DEA:

- The DEA Administrator should develop and implement a plan with specific actions and time frames to ensure that regional contractors are implementing DEA's requirement for collecting documentation supporting participating agencies' DCE/SP program expenditures in the intended manner. (Recommendation 1)
- The DEA Administrator should clarify DCE/SP guidance on the eradication and suppression activities that participating agencies are required to report, and communicate it to participating agencies and DEA officials responsible for implementing DCE/SP. (Recommendation 2)
- The DEA Administrator should clearly document all DCE/SP program goals. (Recommendation 3)
- The DEA Administrator should develop DCE/SP performance measures with baselines, targets, and linkage to program goals. (Recommendation 4)

Agency Comments and Our Evaluation

We provided a draft of this report to DOJ, including DEA, and USDA for review and comment. In its comments, reproduced in appendix II, DEA concurred with our recommendations and described planned actions to address them. DEA also provided technical comments, which we incorporated as appropriate. USDA told us that they had no comments on the draft report.

In response to our first recommendation that DEA develop and implement a plan with specific actions and time frames to ensure that regional contractors are implementing DEA's requirement for collecting documentation supporting participating agencies' DCE/SP program expenditures in the intended manner, DEA concurred and stated that it will take measures to ensure that contract personnel are documenting and reporting expenditures in accordance with policy. Furthermore, DEA reported plans to update its DCE/SP Handbook by the end of the second

quarter of fiscal year 2019 to provide uniform policy guidance on this matter. These actions, if implemented as described, should address the intent of our recommendation.

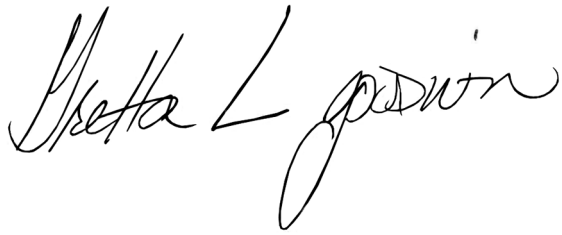
DEA also concurred with our second recommendation that DEA clarify DCE/SP guidance on the eradication and suppression activities that participating agencies are required to report, and communicate it to participating agencies and DEA officials responsible for implementing DCE/SP. In its response, DEA reported plans to update the DCE/SP Handbook by the end of the second quarter of fiscal year 2019 so that the handbook clearly articulates the requirements and methods for reporting eradication and suppression data. Furthermore, DEA reported plans to conduct site visits and conference calls in the third and fourth quarters of fiscal year 2019 to communicate the requirements. These actions, if implemented as described, should address the intent of our recommendation.

DEA concurred with our third recommendation that DEA clearly document all DCE/SP program goals. In its response, DEA reported plans to amend and document program goals for fiscal year 2019 and ensure that they are explicitly included in the DCE/SP Handbook and budget submissions. These actions, if implemented as described, should address the intent of our recommendation.

DEA concurred with our fourth recommendation that DEA develop DCE/SP performance measures with baselines, targets, and linkage to program goals. In its response, DEA stated that it had identified performance measures for DCE/SP and convened an ongoing working group of subject matter experts to select a subset of these performance measures in order to better inform DCE/SP processes and management decision-making. These actions, if implemented as described, should address the intent of our recommendation.

We are sending copies of this report to the appropriate congressional committees, the Attorney General, the DEA Administrator and the Secretary of Agriculture, and other interested parties. In addition, the report is available at no charge on the GAO website at http://www.gao.gov.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or goodwing@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix III.



Gretta L. Goodwin
Director, Homeland Security and Justice

List of Requesters

The Honorable Jerrold Nadler
Ranking Member
Committee on the Judiciary
House of Representatives

The Honorable Gerald E. Connolly
Ranking Member
Subcommittee on Government Operations
Committee on Oversight and Government Reform
House of Representatives

The Honorable Steve Cohen
House of Representatives

The Honorable Ted W. Lieu
House of Representatives

The Honorable Jared Polis
House of Representatives

The Honorable Dana Rohrabacher
House of Representatives

Appendix I: Domestic Cannabis Eradication/Suppression Program Funds Obligated to and Expended by Participating Agencies, 2015 through Fiscal Year 2018

From 2015 through fiscal year 2018,[1] the Drug Enforcement Administration (DEA) obligated about $56 million through its Domestic Cannabis Eradication/Suppression Program (DCE/SP) to state and local law enforcement agencies (participating agencies) in 43 states and the U.S. Virgin Islands to support their marijuana eradication and suppression activities.[2] See table 2.

In the table below, we also provide the status of marijuana legalization under state or territorial law, as of July 2018. Specifically, these categories include: recreational and medical legalization (R&M); medical legalization only (M); cannabidiol product access laws only (CBD); and no legalization (No).

Table 2: Domestic Cannabis Eradication/Suppression Program (DCE/SP) Funds Obligated to and Expended by Participating Agencies from 2015 through Fiscal Year 2018 and Marijuana Legalization Status, by State and Territory

State or Territory and Marijuana Legalization Status[c]	2015[a]		Fiscal year 2016		Fiscal year 2017		Fiscal year 2018[b]
	Obligated	Expended	Obligated	Expended	Obligated	Expended	Obligated
Alabama (CBD)	$190,000	$190,000	$190,000	$190,000	$100,000	$89,424	$214,650
Alaska (R&M)	0	0	0	0	0	0	0
American Samoa (No)	0	0	0	0	0	0	0
Arizona (M)	94,000	82,119	86,000	83,414	37,000	23,981	89,000
Arkansas (M)	0	0	0	0	0	0	0
California (R&M)	5,368,410	5,122,483	4,331,429	4,117,221	3,247,300	3,070,621	4,625,100
Colorado (R&M)	0	0	0	0	0	0	0
Connecticut (M)	55,000	48,021	44,000	36,826	25,000	24,996	33,000
Delaware (M)	12,000	12,000	12,000	12,000	6,000	6,000	10,000
Florida (M)	375,000	368,036	300,000	300,000	160,000	156,451	290,000
Georgia (CBD)	875,000	875,000	769,600	769,600	600,000	600,000	741,000
Guam (M)	0	0	0	0	0	0	0
Hawaii (M)	563,363	552,537	450,690	391,843	275,000	253,021	368,000

[1]This time frame represents the most recent years for which DEA data on DCE/SP funding were available at the time of our review. Prior to 2016, DEA operated DCE/SP on a calendar year basis.

[2]DEA advances DCE/SP funds to participating agencies, which use the funds to reimburse themselves for allowable expenses. Participating agencies are required to return any unexpended DCE/SP funds to DEA.

State or Territory and Marijuana Legalization Status[c]	2015[a]		Fiscal year 2016		Fiscal year 2017		Fiscal year 2018[b]
	Obligated	Expended	Obligated	Expended	Obligated	Expended	Obligated
Idaho (No)	325,000	325,000	260,000	260,000	50,000	50,000	50,000
Illinois (M)	170,000	104,134	100,000	91,335	83,000	62,073	130,000
Indiana (CBD)	510,000	510,000	408,000	408,000	250,000	250,000	350,000
Iowa (CBD)	12,000	12,000	12,000	5,530	6,000	5,889	7,000
Kansas (CBD)	147,000	136,203	117,600	117,600	78,000	22,133	100,000
Kentucky (CBD)	1,950,000	1,950,000	1,758,050	1,758,050	1,433,000	1,433,000	1,925,000
Louisiana (M)	130,000	92,656	100,000	100,000	30,000	11,612	190,000
Maine (R&M)	30,000	22,757	26,200	0	0	0	0
Maryland (M)	135,000	135,000	108,000	108,000	77,500	77,500	125,000
Massachusetts (R&M)	75,000	75,000	60,000	57,227	0	0	0
Michigan (M)	455,000	455,000	364,000	364,000	182,000	182,000	255,000
Minnesota (M)	50,000	50,000	40,000	32,278	0	0	0
Mississippi (CBD)	70,000	70,000	71,000	71,000	40,000	40,000	125,000
Missouri (CBD)	93,000	92,403	75,000	66,397	62,750	60,508	135,000
Montana (M)	20,000	20,000	20,000	20,000	22,000	3,354	0
Nebraska (No)	72,000	72,000	72,000	64,124	37,500	36,718	50,000
Nevada (R&M)	165,500	152,000	147,000	129,837	97,000	91,614	136,500
New Hampshire (M)	20,000	20,000	37,500	37,500	10,000	10,000	53,250
New Jersey (M)	15,000	15,000	15,000	15,000	10,000	10,000	50,000
New Mexico (M)	6,000	4,830	6,000	2,275	0	0	30,000
New York (M)	356,000	355,522	266,000	262,499	272,750	269,714	394,000
North Carolina (CBD)	300,000	299,936	240,000	148,611	120,000	100,288	200,000
North Dakota (M)	0	0	0	0	0	0	0
Northern Mariana Islands (No)	0	0	0	0	0	0	0
Ohio (M)	515,000	508,476	412,000	412,000	266,000	266,000	400,000
Oklahoma (M)	398,000	387,856	352,400	328,795	185,000	170,994	345,000
Oregon (R&M)	762,000	228,920	200,000	161,905	0	0	0
Pennsylvania (M)	125,000	125,000	100,000	100,000	75,000	75,000	75,000
Puerto Rico (M)	0	0	0	0	0	0	0
Rhode Island (M)	0	0	0	0	0	0	0
South Carolina (CBD)	135,727	135,727	108,581	108,581	45,000	45,000	150,000
South Dakota (No)	0	0	0	0	0	0	0
Tennessee (CBD)	850,000	725,345	715,000	640,250	600,000	600,000	725,000

State or Territory and Marijuana Legalization Status[c]	2015[a]		Fiscal year 2016		Fiscal year 2017		Fiscal year 2018[b]
	Obligated	Expended	Obligated	Expended	Obligated	Expended	Obligated
Texas (CBD)	616,000	566,604	541,750	530,659	423,200	367,236	595,500
U.S. Virgin Islands (No)	90,000	12,500	0	0	0	0	0
Utah (M)	73,000	37,144	58,400	19,915	27,000	10,797	33,000
Vermont (R&M)	15,000	11,501	0	0	0	0	0
Virginia (CBD)	156,000	156,000	124,800	111,108	100,000	88,901	140,000
Washington (R&M)	950,000	950,000	760,000	760,000	200,000	189,073	325,000
Washington D.C. (R&M)	0	0	0	0	0	0	0
West Virginia (M)	565,000	565,000	452,000	452,000	280,000	280,000	425,000
Wisconsin (CBD)	110,000	110,000	88,000	85,835	72,000	72,000	110,000
Wyoming (CBD)	0	0	0	0	0	0	0
Total	**$18,000,000**	**$16,739,709**	**$14,400,000**	**$13,731,215**	**$9,585,000**	**$9,105,898**	**$14,000,000**

Source: GAO analysis of Drug Enforcement Administration (DEA) data I GAO-19-9

[a]In 2015, DEA operated DCE/SP on a calendar year basis. DEA data for 2015 included data from January 2015 through December 2015, while data for fiscal year 2016 included January 2016 through September 2016. Since 2016, DEA has operated DCE/SP on a fiscal year basis.

[b]DEA's data on DCE/SP obligations for fiscal year 2018 are current as of August 2018.

[c]For each state and territory in the table above, we indicate the status of marijuana legalization under state or territorial law as of July 2018 using the following categories: recreational and medical legalization (R&M); medical legalization only (M); cannabidiol product access laws only (CBD); and no legalization (No). The laws states and territories have passed legalizing medical or recreational marijuana or the use of products containing cannabidiol vary, as does the extent to which states and territories have established regulatory and enforcement systems to implement those laws.

Appendix II: Comments from the Department of Justice

U.S. Department of Justice

Washington, D.C. 20530

OCT 17 2018

Gretta Goodwin
Director, Homeland Security and Justice
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Re: Comments on GAO Draft Report—*Illegal Marijuana: Opportunities Exist to Improve Oversight of State and Local Eradication Efforts* (GAO-19-9)

Dear Ms. Goodwin:

The Department of Justice (DOJ) has reviewed GAO's draft report entitled *Illegal Marijuana: Opportunities Exist to Improve Oversight of State and Local Eradication Efforts.* GAO made four recommendations to the Drug Enforcement Administration (DEA) and its Domestic Cannabis Eradication/Suppression Program (DCE/SP).

Recommendation 1. The DEA Administrator should develop and implement a plan with specific actions and timeframes to ensure that regional contractors are implementing DEA's requirement for collecting documentation supporting participating agencies' DCE/SP program expenditures in the intended manner.

DEA Response: Concur. DEA will take measures to ensure contract personnel are documenting and reporting DCE/SP expenditures in accordance with policy. The DCE/SP Handbook will be updated to provide uniform policy guidance on contractor reporting requirements regarding program expenditures. DEA anticipates that the DCE/SP Handbook will be published and distributed by the end of FY 2019 2nd Quarter.

Recommendation 2. The DEA Administrator should clarify DCE/SP guidance on the eradication and suppression activities that participating agencies are required to report, and communicate it to participating agencies and DEA officials responsible for implementing DCE/SP.

DEA Response: Concur. DEA initiated the process to update the current DCE/SP Handbook to address and include enhanced guidance that acknowledges eradication, suppression and interdiction activities and address changing domestic trends in trafficking. The revised Handbook will include language improvements to clearly articulate requirements and methods for the collection, categorization and reporting of data. The guidance will also clarify the requisite narrative in support of DCE/SP so it excludes information on activities from non-participating agencies whose efforts are not funded or operationally supported by DCE/SP.

DEA anticipates that the updated DCE/SP Handbook will be published for distribution no later than end of FY 2019 2nd Quarter. Once published and distributed, DEA will schedule a series of site visits and conference calls during the FY 2019 3rd and 4th Quarters to promulgate the new reporting requirements to participating agencies and contract personnel.

Recommendation 3. DEA Administrator should clearly document all DCE/SP Goals.

DEA Response: Concur. DEA will explicitly reference the DCE/SP Goals in the updated DCE/SP Handbook and DEA's annual Budget Submission to the DOJ Asset Forfeiture Management Staff.

Pursuant to GPRA/MA guidance and as component within the Department of Justice, DEA policies, priorities, strategies and enforcement activities are aligned with DOJ Goals and Strategic Objectives. The goals of the DCE/SP program are consistent with that of DEA's mission, DOJ goals and its strategic objectives. These goals were not listed in the current version of the DCE/SP Handbook (2016). To address GAO's recommendation, DCE/SP will review, amend and codify program goals for FY 2019 and ensure that they are explicitly included in the handbook guidance and its budget submissions, thereafter.

Recommendation 4. DEA Administrator should develop DCE/SP performance measures with baselines, targets and linkages to other program goals.

DEA Response: Concur. DEA has identified a number of performance measures for DCE/SP. DEA has convened a working group of subject matter experts which includes representatives from the Operations Division, the Office of Resource Management and the Office of Compliance. These ongoing meetings have developed a select subset of these metrics in order to better inform DCE/SP processes and management decision making as it pertains to: 1) the apportionment of resources, 2) data collection and reporting methodologies; 3) the compliance of participating agencies with DCE/SP policies and guidelines; 4) the achievement of program objectives and goals; and 5) a determination of the efficacy of the overall program. DEA also notes that eradication/suppression statistics derived from DCE/SP activities are currently used in part to compute DEA's outcome measure, Drug Trafficker Revenue Denied - the Monetary Value of Currency, Property and Drugs Seized. Data for this measure are collected from contributing programs and offices, including DCE/SP – OMS, computed using a weighted algorithm, and reported as an aggregate figure; usually in the billions of dollars (U.S.).

Thank you again for the opportunity to comment on this report. We will continue to update GAO on the status of implementation of these recommendations as we strive to improve our programs and further our mission.

Sincerely,

Lee Lofthus
Assistant Attorney General
for Administration

Appendix III: GAO Contact and Staff Acknowledgments

GAO Contact

Gretta L. Goodwin, (202) 512-8777 or goodwing@gao.gov

Staff Acknowledgments

In addition to the contact named above, Brett Fallavollita (Assistant Director), David Bieler (Analyst-in-Charge), Matthew T. Lowney, Billy Commons, Pamela Davidson, Steve Gaty, Eric Hauswirth, Benjamin Licht, Kimberly McGatlin, and Adam Vogt made key contributions to this report.