Phil,

Apologies for the delay. We appreciate all the hard work you have done to improve the collection, but we have some concerns. While they appear to be many, I think most could be addressed fairly quickly working with your colleagues at BJS. Please let me know if you have questions. Thanks, Chad

-- It is not clear how the respondents (Rs) will be selected or how NDIC verifies that the Rs are the appropriate Rs. The justification in Supporting Statement Part B states that NDIC field program specialists will do this work, but the justification does not say how they will verify this. NDIC argues that their staff have ongoing relationships that they can use to verify that the Rs are the appropriate ones, but it would be helpful if NDIC explained how the field staff did this. For example, is there some type of protocol they use to assess Rs knowledge and capacity to answer the questions or the data Rs use to respond to the survey? It would be helpful if NDIC elaborated on this; otherwise, one is left with the impression that the R validation process is idiosyncratic at best.

NDIC Response: *The NDTS survey is designed to obtain respondent <u>knowledge</u>, based on community-specific experience in drug enforcement activities in the of various aspects of drug trafficking within their jurisdiction – it is not designed or intended to be a precise measure of drug trafficking activities. NDIC seeks to identify what the person familiar with the day-to-day anti-drug operations within his or her agency sees as the greatest threat, level of availability, etc. The guidance points for NDIC Field Intelligence Officers (FIOs,) provided with NDIC's latest submission to OMB, are designed to identify a respondent that meets this criterion, based on the type and size of the respondent's agency. Again, the number of contacts accumulated at NDTS sample agencies and depth of the cumulative working knowledge of the drug enforcement situation in their areas cannot be overstated for the NDIC FIOs. FIOs routinely meet with, interview, and interface with drug enforcement officials at meetings and conferences in their respective areas of responsibility. These activities provide them with substantive knowledge of the point of contact in each agency that enables them to identify the best possible NDTS respondent for that agency.*

Further, per OMB Terms of Clearance, NDIC will characterize survey results as being based on respondents' perceptions with the following footnote that will accompany the initial mention of NDTS data in any NDIC report/product:

> **The National Drug Threat Survey (NDTS) is conducted annually by NDIC and uses a representative sample of state and local law enforcement agencies to produce national, regional, and state estimates of various aspects of drug trafficking activities. NDTS data reflect agencies' perceptions based on their analysis of criminal activities that occurred within their jurisdictions during the past year.**

-- Related, NDIC should provide some justification of what they know about the reliability of the underlying data that Rs use to complete the survey. They could do this based on the existing knowledge of police department information systems, of departments' methods for assessing threat, and of departments determine responses to other items, or they could propose to gather data on this, perhaps using their field staff to test reliability of data in a sample of their sample. That would expand their work but it would be worth it in terms of improving understanding and reliability of the data.

NDIC Response: *Assessing the reliability of respondent department information systems and data quality would add significant cost to administration of the NDTS. As stated above, the NDTS survey is designed to obtain respondent jurisdiction-specific <u>knowledge</u> of various aspects of drug trafficking within their jurisdiction. NDIC Field Intelligence Officers are experienced in gathering and assessing drug intelligence information – they are not trained in assessing law enforcement agency information systems and data reliability. Further, it is likely that most respondents would not have this type of information available or easily accessible. Law enforcement officials in the United States are inundated with surveys and requests for information. Lengthening the time needed by respondents to complete the NDTS would add to the public burden and, based on NDIC experience, significantly reduce the survey response rate, impacting the quality of the data obtained. NDIC has worked for many years to design a survey instrument that has a minimum impact (public burden) on extremely busy drug enforcement officials who take time to share their valuable experienced-based drug trafficking knowledge. Adding additional requirements for respondents will decrease the NDTS response rate and impact the quality of data obtained.*

-- After each section requesting data on a topic, could you add a set of questions asking the Rs to name the data source used to generate the data in the response. These wouldn't necessarily have to be forced-choice responses, and Rs could have open-ended responses to describe the data system, but such questions would let NDIC know that there is a source behind the responses.

NDIC Response: *To minimize the burden on the public, NDIC has carefully crafted questions in the NDTS to provide data that can be used to target the analysis of anecdotal intelligence information that substantiates the drug trafficking situation in a given market area, state, region, or the country. While these data exist, providing this information in the NDTS would require research on the part of respondents which would again increase the time burden on already busy officers an, based on NDIC experience, lead to decreased participation in the survey.*

-- There is one question on the instrument that asks about the number of violations that occurred in the jurisdiction (drugged driving- #12). Can you add similar questions about the number of arrests for possession and for distribution or even questions about the frequency of drug seizures over or under a certain amount? These types of questions can also be a reflection of the police department activities and priorities and would help provide a sense of the degree of the problem. Knowing the level of drug availability, where drugs are coming from and

whether gangs are involved in distribution doesn't tell you anything definitive about the quantity of illegal substances moving through the jurisdiction.

NDIC Response: *The drugged driving questions were added at the request of ONDCP (through OMB) and field testing of the question indicated that respondents may not likely have this information available for their jurisdiction. While arrest and seizure data may exist, such information will not be readily available to respondents. Again, requiring a respondent to "look up" this information would be time consuming and would necessitate developing a method for rating the reliability of a respondent's information. NDTS respondents, working day-today narcotics enforcement issues, are not likely to be the person in their agency to be able to easily access this information, if it is available. Such a request would be more feasible if the NDTS was targeted at law enforcement planners or administrators. Many NDTS respondents would likely leave these questions unanswered, thereby making verification inconsistent due to missing data.*

Some specific issues/ suggestions pertaining to particular items:

- Supporting statement: Why use the 2000 Census of State and Local Law Enforcement Agencies for the frame instead of the 2004 Census of State and Local Law Enforcement Agencies? This one is publicly available. There also is one for 2008, but I haven't checked on whether it is yet available publicly.   (Note: The Census Bureau conducted the 2000 Census of Law Enforcement Agencies for BJS, but it did not conduct the 2004 or 2008 Census. As police department's size wax and wane, the number with 10 or more full-time officers changes from time to time, and in any event, the 2000 is dated and should be updated.)

- **NDIC Response***: NDIC intends to update the sample frame with the 2008 BJS Census of State and Local Law Enforcement Agencies (CSLLEA) for the NDTS 2012 survey scheduled for dissemination in December 2011. The expense and time associated with updating the sample frame make it prohibitive for NDIC to update the sample at this late point, given a December 1, 2010 scheduled dissemination date for the NDTS 2011 survey. In August 2010, NDIC contacted Brian Reaves of Bureau of Justice Statistics regarding the availability of the 2008 CSLLEA data and the US Census Bureau regarding the availability of Census staff to draw a new sample from the 2008 CSLLEA. The CSLLEA data were still in the process of final clean-up by BJS and the Census staff was heavily tasked with the 2010 decennial census. The lead time for NDIC to draw up a contract and "clean" the CSLLEA data to include Census identification numbers made it feasible to plan to update the NDTS sample with the 2008 CSLLEA data immediately after the NDTS 2011 survey cycle is completed in March/April of 2011. The data cleaning and contractual issues would apply to using the 2004 CSLLEA data to update the sample frame and would delay administration of the NDTS 2011 to a point where data would not be available for NDIC HIDTA Drug Market Analysis and OCDETF Regional reports scheduled for 2011.*

- The precision of the sample (3% cv on sworn officers) should be reassessed using an updated frame.

  NDIC Response: *this statistical issue will be addressed with the Census Bureau staff when the new sample is drawn (see discussion above).*

- Question 1: 'Greatest threat' should be better defined…greatest threat of addiction, greatest threat to an individual's health, greatest threat in terms of drugged driving…'greatest threat' could refer to any number of things.

  NDIC Response: A*s stated above, the NDTS survey is designed to obtain respondent* <u>*knowledge*</u> *of various aspects of drug trafficking within their jurisdiction. NDIC seeks to identify what the person most familiar with the day-to-day anti-drug operations within his or her agency sees as the greatest threat in the jurisdiction. Previous attempts at precise definitions of criteria to assess the greatest threat lead to complex and confusing question structures such as matrices. Even if greatest threat was defined, respondents from agencies that differ in size, location (urban, suburban, rural), and agency type (municipal police department versus county sheriff) would likely determine subjectively weigh the criteria to identify the drug that they see causing the greatest threat to their jurisdiction on a daily basis.*

- Question 7: This may be a drug term that folks in the field would know immediately, but I don't know what is meant by 'Level of Diversion'

  NDIC Response: *Level of diversion is a term generally-accepted drug enforcement to assess the overall situation in any locality where controlled prescription drugs are redirected from the legitimate supply chain to the illicit market for distribution to dealers and/or abusers. The legitimate supply chain includes manufacturers; wholesale, midlevel, and last mile distributors; hospitals; long-term care facilities; pharmacies; practitioners; and patients.*

- Question 8: How will this information be used? 'African American, Caucasian, Dominican, Hispanic, Mexican are race/ethnic categories and not examples of criminal groups or organizations. If they want names of criminal groups or organizations they should use examples like 'Mexican Mafia, MS-13, Cosa Nostra' but this information may be considered intelligence information and not likely to be shared by departments. If they want to know the ethnicity of groups involved in drug trafficking and sales, again, I would ask why and what they're going to do with that information.

  NDIC Response: *the information from this question is used as a "pointer" for NDIC analysts to conduct follow-up inquiries to obtain detailed intelligence information on specific groups and organizations that may be trafficking drugs in a given area. These data can be cross-referenced with similar data collected by the Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and*

Customs Enforcement, and Customs and Border Protection for use in identifying emerging drug markets and drug trafficking organizations in the United States. The race/ethnic categories are examples of <u>types</u> of criminal groups and organizations that provide NDIC analysts, or NDIC Field Intelligence Officers tasked by analysts, with specific follow-up inquiries for the agencies providing the information. In addition to unwillingness by respondents to provide specific organization names, such information is not solicited in this question since doing so would increase the classification level of NDTS data to Law Enforcement Sensitive. Further, part of OMB's 2007 approval of NDTS included the following Terms of Clearance to these questions, previously numbered 13 and 14:

> "**The information collected in questions 13 and 14 will not be included in cross tabulations or other statistical analyses. Any reporting of this information will clearly be attributed to the survey respondents' perceptions."**

NDIC has adhered to these terms when using the data obtained through these questions.

- Question 9: Should include a country option- '…primary countries, states and/or cities….'

<u>**NDIC Response:**</u> *the word "country" will be added to the question.*

- Question 10: Again, going back to the main point, it would be hard to interpret the findings from this question and make any types of comparisons across jurisdictions without some measure of the amount of drugs moving through the jurisdiction. As a side note, outlaw motorcycle gangs (OMG) should probably have an N/A option since not all jurisdictions will have OMGs.

<u>**NDIC Response:**</u> *Measuring of the amount of drugs moving "through" any jurisdiction is beyond the scope of the NDTS and would require extensive research of state and federal anti-drug agency data and reporting. Question 10 is devised as to identify the level of gang involvement in drug <u>distribution</u> in general and for specific drugs for the country, a region, or state. In addition, asking the types of drugs being distributed gives NDIC a "general" view of the drugs being sold by gangs. For example, in 2005 relatively few jurisdictions reported gang involvement in distributing other dangerous drugs (ODDs) or pharmaceutical drugs. By 2010, survey responses showed a growing number of jurisdictions reporting increasing gang involvement in distributing pharmaceutical drugs. It is unlikely that respondents would be knowledgeable of the amount of drugs moving through their jurisdictions as the interstate movement of drugs is primarily monitored by federal drug enforcement agencies.*

NDIC will add a NA (not applicable) response to all sub-parts of Question 10.

- Question 11- Total number of street gangs/OMGs: Response options are WAY off. National Youth Gang Survey finds that about 80% of large cities have fewer than 30 gangs.
- Question 11- Total number of gang members: Response options are off here too. Should also look at NYGS to adjust response options for number of gangs- about 40% of large cites (with the percent increasing significantly in suburban and rural areas) reported fewer than 200 gang members total.

   NDIC Response: *The National Youth Gang Survey (NYGS) is targeted at gang members between 12 and 26 years of age. Law enforcement reporting available to NDIC clearly indicates that there more gangs members in the United States that do not fall into that age range and that the number of gangs and gang members captured through the NDTS provides a more accurate picture of the gang situation in the United States. A review of the response options used by the NYGS and the NDTS 2010 results for these questions indicates that the NYGS categories are more appropriate, even with the higher number of gangs and gang members anticipated to be reported through the NDTS. NDIC will adjust the response categories for both the number of street gangs and the number of street gang members sub-items contained in Question 11.*

- Question 11- Percent of street gangs/OMGs involved in Drug Activities: First, this could mean anything from use, to sale, to trafficking. Should be more specific. Also, would suggest asking 'what percentage of street level drug sales (or drug distribution depending on what they want to know) are attributed to street gangs?' Otherwise, they risk making a correlation between gangs and drugs appear stronger than it actually may be. Perhaps 100% of gangs use or sell drugs, but the proportion of total drug use or drug sales attributed to gang members is low- this question gives you no way of measuring that.

   NDIC Response: *This question was designed to determine the approximate percentage of gangs in a jurisdiction that are involved in one or more aspects of the drug trade to provide an overall perspective of how many gangs are part of the drug trade in a state or region. Specific information on the volume of gang-related drug activities would be determined through contacts with federal, state, and local law enforcement agencies in the specific geographical area.*

- Question 12: First part of the question, 'Drugged driving is a serious consequence of illicit drug use,' is leading and they should consider removing it. Also, first question doesn't add anything and will likely result in all 'yes' responses the way it is worded.

   NDIC Response: *this question was added at the behest of OMB based on input from ONDCP and the language and structure of the question were developed and approved by ONDCP. The first question will identify respondents who do not see drugged driving as emergent issue or do not perceive it as a threat in their jurisdiction based on their experience.*