REPORT ON THE CRIMINAL JUSTICE SYSTEM OF THE REPUBLIC OF MALDIVES: *PROPOSALS FOR REFORM*

Prepared
at the Request of the Attorney General of the Maldives
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INTRODUCTION

At the Request of Attorney General Dr. Hassan Saeed and under the sponsorship of the United Nations Development Program, the author (Paul H. Robinson, Colin S. Diver Distinguished Professor of Law, University of Pennsylvania Law School) during the period July 12th through July 19th, 2004, met with government officials and others (see the list below) involved in the criminal justice system of the Maldives.

Summary Conclusion. The author's review suggests that the Maldivian criminal justice system systematically fails to do justice and regularly does injustice, that the reforms needed are wide-ranging, and that without dramatic change the system and its public reputation are likely to deteriorate further. The author also determines that there are many people involved in the Maldivian criminal justice system who are keenly committed to its reform and who are prepared to devote themselves to bringing greater justice to the people of the Maldives.

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RECOMMENDATIONS

What follows is very general agenda for reform of the Maldivian criminal justice system. Of the 65 items below, the 24 items in bold are judged to be the most important. Many of the items below are presented in the most general of terms and will require extensive investigation and study by a reform group charged with making specific proposals. Not included within this review are matters relating to juvenile justice and to gender in criminal justice, which I understand to be under examination by another consultant.

1. POLICE

1.1 Shift to a civilian force – This important reform is already scheduled for September of this year.

1.2 Published rules & procedures – A comprehensive Police Act is needed to set out specific rules governing the authority and procedures of police.

1.3 Explicit limitations on search, seizure, arrest, including judicial warrants – Most important in 1.2 are the adoption of statutes, and police regulations, that will clearly delineate the powers and limitations on police to question, arrest, detain, search, and seize. In many instances, the rules should require a judicial warrant before police action in a particular case is authorized. (The value of a judicial warrant system can only be realized, of course, if the judiciary has a secure measure of independence from the executive branch, per item 4.1.) These police rules will need to balance the important need to protect the rights of citizens from governmental intrusion as against the important need of citizens to be free from crime.

1.4 Oversight by a board with civilian representation – Even after police procedures and a judicial warrant system is in place, there is value in the existence of a oversight committee that includes police, other government officials, and members of the public.

1.5 Reduce reliance on confessions – The government has already acknowledged the need to move away from the present practice of relying primarily on confessions as the basis for establishing criminal liability. Investigators should recognize a right of suspects to remain silent and should shift their focus to the use of other investigatory methods, including witnesses and forensic evidence.

1.6 Improved training – The reform proposed in 1.5 is not possible without a significant investment in the training of police investigators and in provision for greater investigative resources. Such training cannot be accomplished overnight but there is the danger that the need for such training can be used as an excuse to delay the shift away from confessions. More training can always be useful but ought not delay the important shift urged in 1.5. While the initial training in investigative techniques will be most important, effectiveness cannot be assured without a program of continuing education for all investigators.

1.7 Closer coordination with prosecutors – Effective investigation and case preparation can be enhanced by providing closer cooperation between line investigators and line prosecutors. The current practice of imposing many layers of bureaucratic review between investigators and prosecutors makes the needed close cooperation impossible. The practice also introduces the specter of political influence, which can only damage the credibility of the criminal justice system in the eyes of the public. The planned shift of the police from the Defense Ministry to the Ministry of Home Affairs will be helpful for a variety of reasons, including improving public perception of police and improving the likelihood of police cooperation with prosecutors. In this same vein, it may be appropriate to allow the police to prosecute minor cases, in order te reduce the load on the prosecution force.

1.8 Better record keeping; statistical summaries for policy makers – Sound policy making for the police requires adequate record keeping and data analysis, which does not now exist.

1.9 Limit use of criminal justice to crimes; exclude private debt collection – The present use of the criminal justice system as a means of private debt collection is a serious drain on police and prosecution resources. It may be that the most effective means of avoiding this problem is to provide citizens with an effective means of debt collection through civil process, something that is not now available. "Small claims" courts could quickly process most of these private disputes at little cost and with little procedural extravagance. Also required however, would be an effective system for the enforcement of court judgements, which does not at present exist.

2. CRIMINAL PROCEDURE

2.1 Published procedural rules – The single most important reform here is to articulate a set of comprehensive rules governing the operation of courts in adjudicating criminal cases, including rules of evidence to govern the introduction and implications of evidence during trials. Most importantly, the rules must give clear voice to the requirement that proof at trial must be established beyond a reasonable doubt. Anything less is unfair to defendant's and will not earn the criminal justice system the credibility with the public that it needs to be effective.

2.2 Less elaborate protections for less serious cases – The rules called for in 2.1 can properly distinguish between cases of greater and lesser seriousness and can provide greater procedural projections to defendants in the more serious cases, that is, in cases where the potential for punishment is greater, as in a potential for a term of imprisonment.

2.3 Permit pre-trial diversions in less serious cases – Less serious cases also can be diverted pre-trial from the criminal justice system entirely if this is consistent with the demands of justice and will reduce the likelihood of future criminality. Such diversion programs can help concentrate court and prosecution resources on the more serious cases. These programs can include such "restorative processes" as parental conferencing, sentencing

circles, and victim-offender mediation, or any variety of other measures, as long as they have been shown to be effective in doing justice and avoiding future crime.

2.4 Counsel at all stages – An essential aspect of a fair system of criminal justice is the right to counsel at all stages, including during questioning of a suspect in police custody. This practice has recently been begun, although it appears that defense counsel are not always permitted to consult with their clients in private. Where a defendant is indigent and where prison is a possibility, counsel should be provided at government expense. Any other rule would have fairness depend upon the defendant's financial means.

2.5 Allow effective representation – Provision of counsel is of limited value if counsel is limited in his or her ability to effectively represent the client. Such limitations ought to be removed. For example, counsel should have the right of private consultation, as long as there is no evidence that such would contribute to a further criminal enterprise. Also, defense counsel (and prosecutors) should have a right to directly examine witnesses in court. The judge ought to leave such presentation of evidence to the two parties and limit the judicial role to that of an impartial observer judging the evidence presented.

2.6 Pre-trial discovery – Adequate preparation for trial, for both sides, requires some degree of pre-trial discovery. Parties should exchange witness lists and statements, forensic reports, etc. at some fixed date prior to trial (perhaps 30 days prior, or some such period). Prosecutors should provide defense counsel with all recorded defendant statements. Some of these items are now provided but there appears to be no legal obligation to do so and thus there is little assurance that all relevant material is being provided and no enforcement mechanism is available for a failure to do so.

2.7 Allow pre-trial release on bail if not dangerous and appearance assured – Effective defense preparation and a proper limitation of governmental restrain of persons not yet convicted suggests that pre-trial release of defendants on bail ought to be permitted unless there is a danger that no bail conditions will assure the defendant's appearance at trial or there is a clear danger of offenses while awaiting trial.

2.8 Speedy trial rules, especially if held in custody – Prompt adjudication ought to be assured within specific periods from the time of arrest to the time of trial (perhaps within 3 months, or some such period), unless the parties agree to a delay. Where an offender is held in custody pending trial the timetable should be shorter than where he is released on bail pending trial.

2.9 Published trial procedures and evidentiary rules – Any fair system of justice must set out explicit rules by which a trial is to be conducted. The operation of a trial ought not depend upon the particular judge assigned and should not be a matter of surprise to litigants. Fair notice, effective preparation, and uniformity in adjudication require that a comprehensive set of rules be articulated beforehand to govern the operation of all trials.

2.10 Uninterrupted trial proceedings until complete – Once a trial is begun it ought to continue uninterrupted unless justice demands a delay for usual reasons. The present practice of conducting a trial in a series of short hearings unnecessarily inconveniences litigants and witnesses and makes it difficult to fairly evaluate the evidence accumulated during the often drawn out periods. This reform will become all the more important with the shift away from primary reliance upon confessions, for the shift inevitably will make the prosecution's case more complex, with more witness and forensic evidence. The present system also produces a delay in adjudication that is both unfair to the defendant and frustrating to police and the community.

2.11 Authority of appellate courts to forego review in cases without real issues – Once a set of clear rules of procedure are in place, there will no longer be a need for appellate review of every case. An appellate court may quickly determine that a case has been adjudicated within the rules and conclude that a full formal review is unnecessary. This will help concentrate judicial appellate resources on those cases for which real issues of concern exist.

2.12 Standing Criminal Justice Council to identify and resolve criminal justice problems – The demands of fair and effective criminal justice are such that a one time reform program will not be adequate. A standing council or commission should be established that includes all of the major participants of the criminal justice system, to oversee its operation and to continue to make those adjustments and improvements that will advance the cause of justice.

3. PROSECUTORS & DEFENSE COUNSEL

3.1 Improved training, in both law & Shari'a, and setting minimum qualifications – Especially with a shift away from primary reliance upon confessions, prosecutors will need training and continuing education. The same concerns urge establishment of minimum qualifications for all attorneys, including training in both law and Shari'a.

3.2 Consolidation of government criminal lawyers into single office (the AGs) – With the shift of the Police out of the Defense Ministry, there is little need for police to have a department of criminal lawyers separate from the Attorney General's office. All prosecutors might best be centralized in the AG's office, except for those that may be needed for legal advice to police during a transitional period in which the greater cooperation between police and prosecutors (see item 1.7) is being established.

3.3 AG prosecutors on Islands – In this same vein, prosecutions in the Islands ought to be performed by prosecutors who are part of the centralized prosecution force. This will assure not only the same standards of performance throughout, but also will reduce the unfortunate perception that can arise, when a prosecutor is answerable to the local atoll chief, that prosecution decisions may be influenced by politics. This coverage of the Island prosecutions by a centralized prosecution service will be made more feasible by the consolidation of Island courts proposed in item 4.8.

3.4 Centralized prosecution authority, independent of political influence – There should be clear authority in the AG and only in the AG to bring or forego prosecutions. While the AG is and should be subject to appointment and dismissal by the President, the prosecution decisions should be made free of political influence and should be based solely upon the demands of justice and uniformity in application. In the same vein, the AG should have the authority to insist upon a criminal investigation by police.

4. JUDICIARY

4.1 Independent branch of government – The constitutional reform proposed by the government, which would give the judiciary independent status separate from the executive branch, is essential to a fair and credible criminal justice system.

4.2 Centralized judicial authority in Chief Justice or Supreme Court – Within the judicial branch, there should be a single central judicial authority, either the Chief Justice, or the Supreme Court with the Chief Justice as its presiding officer. The present system of divided authority and responsibilities between the trial courts and the High Court is not consistent with an orderly judiciary in which clear rules bind all trials and the same rules are the grounds for appellate review.

4.3 Authority in Supreme Court to render interpretations of law binding on all courts – It must be made explicit that the Supreme Court has authority to render interpretations of law that are binding on all courts, and that the opinions of the Court establish precedent that binds them as well in subsequent actions. Anything less will not provide the orderly and predictable judicial process required for fair and effective criminal justice.

4.4 Published rules & procedures governing operations – Explicit and public rules are needed that will govern all aspects of the courts' operations. The courts can earn the reputation for fairness and reliability that is needed only if they can assure a uniformity, consistency, and transparency in their operation.

4.5 Minimum qualifications & training, in both law & Shari'a – There seems to be nearly universal agreement by all parties outside of the judiciary that the current level of judicial competency is inadequate or worse. But persons with little or no legal training can hardly be expected to know how to conduct a fair and effective trial. Serious efforts must be made to provide substantial training to current judges in order to insure that all have the background they need in both law ad Shari'a. Perhaps more importantly, no judge should be hired who does not already have the needed training. As noted previously in other contexts, this training must be supplemented with a permanent continuing education requirement that will keep judges informed of the latest legal developments and will refresh their knowledge of existing legal rules and procedures. As has been noted with regard to the police and prosecutors, the coming shift away from primary reliance on confessions will increase the complexity of trials and require judges with substantially greater training and intellect. It may

well be that to attract fully competent and trained judges, judicial compensation will need to be improved.

4.6 Published ethics rules and standards & procedures for impeachment – To insure that the judicial branch has the credibility with litigants and the public that is needed, it must be clear to all that the judges are beyond corruption and political influence. This cannot be done without public rules on judicial ethics and impeachment and removal that will avoid not only judicial impropriety but also the appearance of impropriety.

4.7 Publish appellate opinions of any significance – To insure consistency in application and informed trial judges and to promote the goal of consistency and predictably reinforced in item 4.3, all opinions of the Supreme Court should be published in a form that makes them fully available to all who may have an interest in them.

4.8 Supreme Court sit in different locations – The fact that the country extends over many islands suggests that the Supreme Court might do well to sit in more locations than in Male'. Perhaps a southern location and a northern location should be added to its regular calendar, so as to spread the inconvenience of travel more evenly across all parties. This also would have the advantage of allowing more citizens to see the court in operation or to at least feel that they had a realistic opportunity to do so. Once the judiciary becomes an independent branch, it will have to take greater responsibility for establishing and maintaining its reputation with the public.

4.9 Consolidate Island courts per caseload history – There exists some inefficiency in the present allocation of Island courts. For some courts, the caseload is so low as to fail to justify the expense of their continuing existence. Further, the large number of Island courts makes it more difficult to establish uniformity and accountability in adjudication. Especially in an age of modern communication, there is less need to have courts on so many islands.

4.10 Chief judicial administrative officer answerable to the Chief Justice – An independent judicial branch must have control of its own administration through a chief administrative officer answerable to the Chief Justice. (This does not preclude a Supreme Judicial Council, as has been proposed, that would provide oversight to the judicial system in order to insure its fair and effective operation.)

4.11 Better record keeping; statistical summaries for policy makers – As in other contexts, it is difficult to make reliable policy decisions without full and accurate information about how a system is working in practice. Better record keeping and data analysis about the operation of the courts in adjudicating and sentencing criminal cases is a necessary prerequisite for informed decisionmaking by policy makers for the judiciary as well for the prosecution, police, and prison officials.

5. CRIMINAL CODE

5.1 Comprehensive: all offenses, defenses, liability rules – The single most important reform may be the adoption of a comprehensive and coherent criminal code. Without it, even efficient courts with clear procedures will not produce just results. And the single most important aspect of a new criminal code is that it be comprehensive. It must clearly define all offenses (including the specific elements that must be proven at trial), the elements of all available defenses, and the rules governing all principles of liability (such as the requirements for complicity liability or liability by omission). Such comprehensiveness is essential if the criminal code is to perform its basic functions: to provide fair notice to those person bound by its commands, to provide uniformity in application to all defendants, to minimize the potential for abuse of discretion, and to preserve the criminalization decision to the most democratic branch, the legislature. An absence of comprehensiveness means that the missing rules must be created ad hoc by the court, a practice that fails to provide fair notice, increases the possibilities of disparity in treatment between similar defendants and among different courts, increases the opportunity for abuse of discretion, and provides a de facto shift of criminalization authority away from the legislation and to the court.

5.2 Plain language – The same concerns that motivate the need for comprehensiveness also suggest a need to use plain language that can be understood not only by trained lawyers but by police officers and the average citizen. Terms or phrases that do not have a clear common meaning need to be defined. The ultimate objective is to have a code whose rules are clear to all who are bound by it.

5.3 Primary drafting criteria: produce results that are fair & just – A criminal code might be drafted according to any number of guiding criteria but only one goal – doing justice – is both feasible and more important than the rest. It is essential not only for the abstract value of justice for its own sake, but also for its practical value in earning the criminal law the moral credibility with the public that it needs to effectively control crime.

5.4 Rational & proportionate grading of all offenses according to relative seriousness – An essential part of a just criminal code is a system of grading offenses according to the seriousness of their violation. Deserved punishment must be a function of the personal blameworthiness of the offender, including all those factors about which we agree can alter a person's blameworthiness, such as the capacities and situation of the defendant. A just and rational system of punishment must begin with a grouping of offenses according to their seriousness.

5.5 Statutes of limitation for less serious offenses – Under the present criminal law there are no statutes of limitation in the prosecution of offenses. It may be useful to consider whether a limitation period would be useful, at least for the less serious offenses.

6. SENTENCING

6.1 Sentencing Guidelines – For many of the same reasons that drive the need for a comprehensive criminal code, in item 5.1, the sentencing of criminal offenders ought to be guided in some way to insure uniformity in application (the sentence ought to depend upon the crime and the offender, not upon the selection of sentencing judge), to best advance the interests of justice and crime prevention (which can require information and expertise that the individual sentencing judge may not have), and to reduce the possibility of abuse that is inherent in judgements of unguided discretion. The use of guidelines is particularly important for judges with limited training, as is presently the situation. The guidelines ought to be sophisticated enough to take account of the wide-range of offense conduct and offender characteristics relevant to punishment.

It may not be feasible to introduce sentencing guidelines until a comprehensive criminal code is in place with a proportionate and coherent offense grading system upon which the guidelines can be built. This reform also may have to wait for completion of the move to an integrated and independent judicial branch. The judges who will be administering the guideline system must play an active role in its development.

6.2 Avoid statutory mandatory minimums – Just sentencing requires a court to take account of not only the offense but also the offender and his personal capacities and characteristics. The use of statutory mandatory minimums, which insist on a particular sentence for any given offense, necessarily ignore important factors relevant to deserved punishment and should be avoided.

6.3 Greater use of non-incarcerative sentences – A greater use of non-incarcerative punishments is recommended for a variety of reasons. They tend to be less costly than imprisonment. They reduce family and employment dislocation and thereby reduce the likelihood of recidivism. Such alternative sanctions need not and ought not produce something less than the punishment that is deserved. The offender and the public ought not come to see nonincarcerative sanctions as an escape from deserved punishment. The fact is that such sanctions can provide the kind of suffering and intrusion into an offender's life that counts as punishment. Their use simply requires the sentencing court to adjust the amount of the sanction to take account of its punitive bite. Sanctions with less bite will require longer duration to satisfy the punishment needed. Such an alterative-sanction system can impose a combination of sanctions upon a single offender -- fine, house arrest, community service, mandatory drug treatment – where the particular combination selected is that which will best reduce the chance of future criminality.

The present practice of banishment is in some ways attractive as a sanctioning alterative to imprisonment but its present administration is problematic. For wealthy offenders, the inconvenience can be minimal. For poor offenders, the situation can leave them in desperate circumstances with strong incentives to return to crime to survive, which hardly makes the use of banishment popular with the receiving island. A better approach might be to limit how comfortable a wealthy offender can make himself, at least for some initial period, and to provide some minimum level of support to insure basic living needs.

6.4 Elimination of flogging as legal form of punishment – I am aware that this form of punishment is rarely used but there is nonetheless value in expressly excluding it from the punishments that the law formally allows. My sense is that most Maldivians would find such punishment offensive. Thus, its legal recognition only brings the criminal justice system into disrepute, an effect that can damage the system's moral credibility and, thereby, its long-term criminal control power.

6.5 Eliminate early-release decisions (but maintain parole supervision function of Parole Board) – Under the current system of disparate and often unjust sentences, the Parole Board provides an important service. But with a rational sentencing guidelines system in place, the Board's early release of offenders, before they have fully served the sentence imposed, can only serve to undercut the credibility of the punishment system, as it creates a perception that offenders are escaping the punishment they deserve. It may well be that some nominal portion of a sentence, perhaps 15% or less, might be forgiven as a reward for good conduct while incarcerated, but other rewards and punishments available to prison administrators typically are adequate to maintain the control and discipline that a safe prison requires.

6.6 Every sentence to prison include term of parole on release – While the Parole Board's early release power should be eliminated, it is essential to maintain the Board or some similar body to administer a system of supervision of those recently released. To make such supervision possible, every sentence of imprisonment should as matter of law include a term of parole, during which such supervision is authorized and restrictions on liberty can be imposed for violations of release rules. Note that, contrary to the current system in which the earlier the release (presumably suggesting a better behaved prisoner) the longer the parole term. A more rational system would provide the longer term to the prisoner held longer, for it is such prisoner who is more likely to be in need of more and longer supervision.

6.7 Published rules & procedures governing adjudication & enforcement of sentence – As has been suggested in other contexts, transparency and predictability require sentence and parole supervision administrators to publish the rules and procedures that will govern the operation of their systems.

6.8 Formula for multiple offenses: each additional offense adds increasingly less – The current practice of imposing fully consecutive sentences for all multiple related offenses fails to account for our shared human intuitions of justice that, when sentencing for multiple offenses, the punishment for two related offenses -- stealing loaves of bread from two adjacent shops -- does not call for twice the punishment of a single such offense. On the other hand, concurrent sentencing, in which the sentences for two offenses are served concurrently, also is problematic because it tends to trivialize the second offense. A better sentencing principle is to have every offense count for something but for each additional offense to count for increasingly less. The ultimate goal here is to have criminal sentencing track our shared community intuitions of what is just.

6.9 Drug sentences should vary not with drug weight but rather with number of doses, addictiveness of drug, and drug's association with violent behavior – Because drug offenses account for a very large portion of prison terms being served, it is worth noting a change in the sentencing scheme for such offenses. Drug weight, now the sole criterion, fails to take account of and to vary sentences as it should according to the factors that most directly influence the seriousness of a drug violation. Those rules should adjust sentences according to the number of doses, the addictiveness of the drug, the drug's association with violent behavior, as well as with the nature of the defendant's role in the offense, chief organizer or collateral figure.

7. PRISON

7.1 Improved humanitarian conditions, with regular monitoring – There is reason for concern about the state of prison conditions. Recent improvements have been made. And regular inspection visits by the newly created Human Rights Commission will no doubt help further. But the reforms should be seen as permanent and the inspection and improvement process should continue.

7.2 Improved training of correctional officers – Effective prison officers require special training, in part because of the unfortunate common tendency to see one's criminal charges in a less than human light. The professionalism required to be a successful prison officer is not something that police officers or infantry soldiers can pick up on their own.

7.3 Provide prisoners with activities and facilities – There are good practical reasons to provide prisoners with activities and facilities. It can keep prisoners occupied and reduce the anger and bitterness with which many come to prison. It can also increase the means available to prison officials to control their conduct through reward and punishment.

7.4 Provide prisoners with job training & educational programs – There is also practical value in providing job training and educational programs to prisoners. Not only does it keep prisoners occupied and increase the means of controlling their conduct through reward and punishment, similar to 7.3, but it also increases the chances of a prisoner being able to arrange a more productive life upon release.

7.5 Preparation of a release program prior to release – Item 6.5 urges a system of post-release supervision. Successful reintegration requires not only such supervision but some planning beforehand, while the prisoner is still incarcerated. This means that prison staff or some portion of them must be given the specific responsibility and the necessary training to help prisoners develop a post-release life plan.

7.6 New correctional facilities (e.g., on Male') to permit fuller range of sentencing options, such as work-release – The possibility for more alterative forms of punishment than straight incarceration, suggested in 6.3, is not feasible without some kind of detention facility in Male' from which offenders can serve sentences of work release or intermittent confinement.

7.7 Better record keeping; statistical summaries for policy makers – As has been urged in other contexts, policy makers – in prison as well as in policing, parole, and sentencing – cannot make informed judgements without the data and data analysis that prison authorities are in a position to provide.

8. DRUG ABUSE

8.1 Recognize severity of problem – The drug problem is serious – 75% of the prison population is serving sentences for drug offenses – yet there seems limited recognition of the seriousness of the problem by those responsible for solving it.

8.2 Recognize potential to get much worse – The group most vulnerable to drug abuse are youths and almost 50% of the country's population is under 17. Given the failure of the present drug abuse fighting program, demographics alone will insure that the extent of drug abuse will get worse.

8.3 Recognize serious limitations on possibility of interdiction – it cannot be the solution – This is an island nation with 200 inhabited islands and with 120 (and increasing) number of resorts most of which cater to foreigners. These facts and the interdiction experience to date demonstrate the simple impossibility of solving the drug problem through interdiction. No matter what resources are devoted to the task, drug interdiction will inevitably capture only a small proportion of the drugs being brought into the country. The solution to the growing problem must be found elsewhere.

8.4 Encourage new thinking & creative solutions; take advantage of programs in other countries that have shown success – If substantially reducing supply is not possible, the only other solution can be found in reducing demand. One possibility is drug treatment programs that will limit recidivism. Unfortunately, many if not most of these programs are notoriously ineffective. Reducing demand also means preventing youth from beginning the use of drugs. The present program of an hour lecture to students and parents, which includes teaching parents how to identify drugs or drug paraphernalia when they see it, seems to be of limited impact, at least in light of the enormity of the problem. The kind of reforms that may have more effect, such as improving the society's economic outlook to provide more job opportunities, are those over which government can have influence but typically only long-term. Religious institutions, schools, and other social institutions can contribute by altering the perceptions about drug use among the target population, but again this is a difficult and long-term process. All and all the situation can seem bleak. What does seem clear is that only new thinking and creative solutions will be able to make headway. The most promising approach may be to take advantage of the experience of programs in other countries – drug abuse is unfortunately a world-wide problem – and to try those programs that have been proven to be successful elsewhere.

8.5 Centralize government drug policy and administration – The fashioning of an effective drug program requires that there be some single authority responsible for developing and implementing that program, who will be responsible for its success or failure. The

present decentralized structure -- in which the Narcotics Control Board, the Drug Task Force, and other governmental units each have some involvement -- creates ambiguity in who is responsible and splinters policy making.

8.6 Remove obstacles to effective private drug treatment programs – Given the difficulty of the drug abuse situation (see item 8.4) it makes sense to let anyone who has something to offer to contribute to a solution. It seems counterproductive to put hurdles in the path of private treatment programs, as long as there is reason to believe that they can have a measure of success.

8.7 Provide policymakers with data on abuse and on effectiveness of treatment programs – Once again, good policy making depends upon a full and accurate understanding of the situation as it really exists. That requires that drug authorities to collect, analyze, and distribute data on the problem and on the success and failures of their responses to it.