

**PROBATION IN THAILAND:
30 YEARS IN FOSTERING REINTEGRATION**

PRESENTED BY

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EXECUTIVE SUMMARY

In this presentation, Dr. Kittipong Kittayarak, Permanent Secretary for Justice, will share Thailand's experience on non-custodial treatment of offenders which has been introduced for active implementation since 1979. Rather than emphasizing on theoretical concepts on the non-custodial treatment of offenders, the key objective here is to share his views on the implementation of the community-based alternatives to imprisonment, drawn from his work experience overseeing the missions of the Department of Probation during 2001-2005, when overcrowding problem was at its peak and the Department of Probation was the focal point for solving the crisis.

The presentation will start with the historical account of probation service in Thailand; followed by recent development for wider application of community-based treatment alternatives. He will also touch upon some selected key initiatives by the Department of Probation for the treatment of offenders, including the implementation of drug diversion programs, which has played a key role in reducing the number of inmates in correction facilities, and restorative interventions. The presentation will also address the role of the volunteer probation officers and community networks in reducing crimes and recidivism. Finally, he will share his views on the obstacles and key challenges of enhancing the community-based alternative to imprisonment in Thailand and its way forward.

PROBATION IN THAILAND: 30 YEARS IN FOSTERING REINTEGRATION

Esteemed Colleagues, Distinguished Guests, Ladies and Gentlemen,

First, I would like to thank the Ministry of Justice, Japan for inviting me to share some of my experience with you today. Japan and Thailand has long enjoyed excellent relations at all levels and areas of cooperation. This is particularly true between my colleagues at the Ministry of Justice of Japan and Thailand, as we can see from the exchange of official visits, technical cooperation and study tours on various occasions. It is my strong wish to ensure that our organizations continue to enjoy this close and productive relationship.

Personally I have been blessed with such a wonderful working relationship with my colleagues at Ministry of Justice, Japan, particularly with UNAFEI, since the early days of my career. Such were the days with lots of fond memories. Therefore, it is my personal pleasure and honor to return and be with you today to share my thoughts on the topic of probation service in Thailand.

In my presentation today, I will not dwell too much on the theoretical concepts or ideas about the non-custodial treatment of offenders, which are quite familiar to you already. Instead, I would like my talk to serve as a means for an exchange of ideas and views from the practitioners' perspective. The materials for my talk are derived from my experiences overseeing the works of the Department of Probation, Thailand for five years, during 2001-2005. During 2001 to 2002 was the peak period of overcrowding problem in Thailand. My talk will focus on Thailand experience on the implementation of the community-based alternatives to imprisonment which the Department of Probation has been the coordinating agency. I hope that together we can draw some good lessons that can be put to great use in our continuing efforts to enhance the use of community-based treatment of offenders.

Effectiveness of the treatment of offenders to ensure their reintegration into society -- be it under the institutional or alternative correctional system -- is one of the most important objectives of the criminal justice system. I hope it will not be too exaggerating to remind you that failure to ensure such effective reintegration can greatly undermine all the efforts by the criminal justice system. It is therefore our responsibility to continue to seek appropriate measures for the treatment of offenders.

Today, I will start with the historical account of probation work in Thailand. Then I will touch upon recent development in Thailand which has paved the way for wider application of community-based measures for treatment of offenders. The talk will then focus on the compulsory rehabilitation of drug addicts or the drug diversion programs, which has been a major scheme for the reduction of the number of inmates in correction facilities. I will then talk briefly about current situation of restorative justice interventions and the roles of the volunteer probation officers and community networks as key initiatives to enhance the treatment of offenders through community-based alternatives to incarceration. Finally, I will share my views on the key challenges of enhancing the community-based alternative to imprisonment in Thailand and its way forward.

DEVELOPMENT OF PROBATION SERVICE IN THAILAND

In Thailand, probation measures for adult offenders were provided for by the Penal Code of 1956 but they had not been actively implemented due to the lack of specialized agency and probation officers to carry out the court order. In 1979 the law on the probation was proposed. It has set up specialized agency and appointed probation officers to carry out court orders imposing conditions for the supervision and rehabilitation of the offenders under the suspended or deferred sentences. This law thus marked the beginning of the community-based treatment of offenders in Thailand, under the responsibility of the probation officers, volunteer probation officers, and the civil organizations based in the community. In 1992, the Department of Probation was established to handle all adult probations all over the country.

During the first two decades of its operation, the Department of Probation focused its work on providing probation programs only for adult offenders whose imprisonment terms of not exceeding 2 years were suspended. Probation officers in Thailand have the authority to perform 2 major functions, namely conducting social investigation into the background and circumstances of the lives of offenders and providing supervision of offenders in accordance with conditions imposed by the court orders.

The overall aim of social investigation is basically to gather facts related to the offender and offence, and to make recommendations for courts on appropriate sentences. The social investigation report will not only provide information for the court to make appropriate sentences but will also give useful inputs for responsible officers to design the programs to assist the offenders in the reformation and rehabilitation under the imposed probation conditions. The programs mainly consist of the supervision of the offenders which can be combined with other types of support such as education, counseling, rehabilitation, community services, and other social welfare. The overall objective of these activities is to assist the offenders in their effort to rehabilitate and successfully reintegrate into society to become productive members of society without relapsing into re-offending.

Although the Department of Probation has done an excellent work in providing successful adult probation programs, it was unable to expand its scope of work to cover new, community-based alternative to incarceration. Lack of overall criminal justice policy planning, lack of interagency cooperation and coordination among key actors, and inadequate funding were among the major reasons hampering the successful introduction of community-based treatment as alternative to the long-held practices based mostly on retributive, custodial measures.

RECENT DEVELOPMENT FOR WIDER APPLICATION OF COMMUNITY-BASED TREATMENT ALTERNATIVES IN THAILAND

The overhaul of the criminal justice system which began in 1996 and culminated in 2002 when the Ministry of Justice was reorganized and repositioned as the focal point for justice administration, has paved way for the application of more coordinated overall criminal justice policy, including the implementation of more alternative to imprisonment. The government has seriously considered appropriate ways and means for the solution of the overcrowding problem which was one of the direct results of the past criminal policy on drug. The new policy has taken into consideration both the rehabilitation needs and the urgency to lessen the pressure within the criminal justice system.

The growing interest in the concept of restorative justice is another factor that has direct impact on the promotion of community-based treatment of offenders in Thailand. As restorative justice emphasizes informal method of dealing with crime, particularly with the increasing roles of the victims, offenders, and the community, it more or less support the community-based treatment options.

One of the key milestones for such development was the cabinet resolution on July 10, 2001 which specified clear guidelines on how to reduce case backlog and overcrowding. The so-called “July 10 Resolution” recommended several non-custodial and community-based treatment as a desirable approach, and thus served as a road map for future development of the community-based treatment measures in Thailand. Some of the key recommendations include the setting up of community mediation centers to settle certain kinds of disputes within the communities, the encouragement for the use of prosecutorial discretion not to prosecute subject to certain kind of conditions, the initiation of drug diversion programs, and the expansion of the scope of probation to include juvenile offenders as new target group. The new policy has proved effective not only by introducing new approaches for diversion of cases from the formal criminal justice process, but also by providing alternatives to imprisonment that are more efficient to return the offenders back into the society.

The Department of Probation, under the Ministry of Justice, has been the key organization in the implementation of the July 10 Resolution. Its scope of work has been expanded to include probation programs for all types of offenders: juvenile and adults. Its probation programs now cover all stages of the criminal process, including the pre-trial, during the trial, or post-conviction stages. With a specialized agency in charge of all the probation works for the suspect and offenders at all stages of the criminal process, the probation system in Thailand are more focused and can benefit more from the unified policy objectives, compared to the past.

With the expanded scope of probation work from the traditional probation based on investigation of information about the offenders and supervision, to the new frontier of prevention and diversion, the Department of Probation has been pressed to come up with innovative ideas to carry on its new assignments and, at the same time, maintain the quality of its traditional functions. Apart from its original work of providing community-based programs for only adult probationers, after the 2002 reform it has become a key agency administering community-based rehabilitative measures and aftercare services to youth and adult probationers and parolees, providing compulsory treatment programs for drug addicts, and working to promote effective crime control and prevention through local community networks.

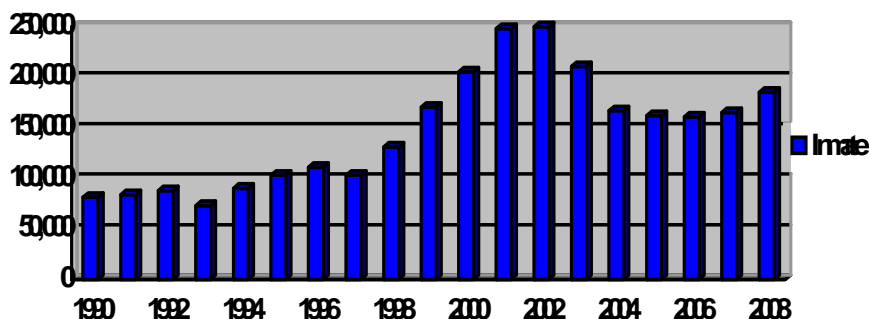
OVERCROWDING SITUATION IN THAILAND

In order to illustrate the magnitude of the problem of overcrowding in Thailand and to understand the workloads that the Department of Probation had to shoulder clearly, I will mention a little bit on the overcrowding problem in Thailand prior to the major reform mentioned earlier.

During 1996-2002 correctional facilities in Thailand had to deal with the unprecedented, extraordinary rise in prisoner numbers. The number, which had been 103,202 in 1996, jumped to more than 250,000 by the end of 2002. In Figure 1 the prison population

for the period of nineteen years is shown. At present, although the number of inmates in Thailand has decreased to be around 180,000, it still remains high – 253 inmates per 100,000 – comparing to other countries in Asia and Pacific region as shown in Table 1.

Figure 1. Prison Population in Thailand from 1990 to 2008



Source: Inmate Statistics Center, Policy Planning Division, Department of Corrections.

The disproportionate increase of inmate population since 1998 could be attributed to Thailand’s criminal policy which severely criminalized offenses related to drug use, especially the amphetamine, to achieve deterrence effect among drug-related offenders.

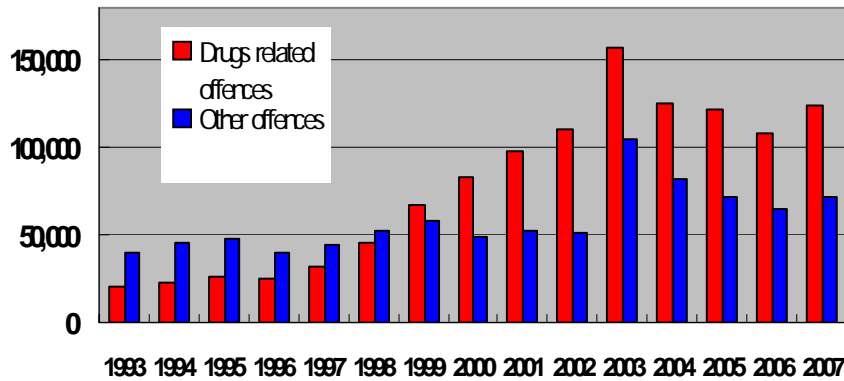
Table 1. Prison Population across Seven Countries in Asia and Pacific in 2007

Country	Total number	Total number (per 100,000 people)	Portion of Female Inmates (percent)	Portion of Child Inmates (percent)
Indonesia	128,876	56	4.7	0.4
Macao	797	174	22.1	6.1
Malaysia	50,305	192	28.7	2.2
Myanmar	65,063	126	15.0	1.6
Sri Lanka	25,537	121	1.4	0.04
Singapore	11,768	267	10.0	4.7
Thailand	165,316	253	15.1	3.9

Source: International Centre for Prison Studies, 2008

Figure 2 shows that the number of inmate convicted of drug-related offenses has almost doubled in 15 years, while the statistics for the other offenders remain mostly unchanged. This means that by over-criminalizing the possession or consumption of the amphetamine, the demand for the highly punishable drug is even higher than before, leading to high price and more profit-making, thus more people who are willing to risk trading them. Such phenomenon signifies that severe punishment as deterrence measure has been far from achieving its policy objectives.

Figure 2 Number of inmates convicted of drug offense vs other offenses from 1993- 2007



Source: Inmate Statistics Center, Policy Planning Division, Department of Corrections.

When we look closer at the inmate population profile as illustrated in Table 2, we can see that the suspects awaiting trial or final judgment constitute a large group of the population, contributing to the current rate of imprisonment prior to conviction at nearly 30%. This rate implies that the criminal process has not yet been able to provide a timely response to those awaiting trials and who must be assumed to be innocent. When viewed by type of offences, as shown in Table 3, inmates who have been convicted of offences related to drug use constitute the largest group or almost 60%. It should also be noted that about half of the total population in prisons are currently those serving relatively short terms which is less than 5 years, as shown in Table 4.

Table 2 Overall population of the Thai prison system according to major categories

(As of 1 September 2008)

Categories	Male	Female	Total	Percentage
1. Convicted	112,464	18,594	131,058	70.825
2. On-remand	44,744	7,538	52,282	28.25
2.1 pending appeals	22,354	3,541	25,895	13.99
2.2 awaiting trial	9,576	1,495	11,071	5.98
2.3 awaiting investigation	12,814	2,502	15,316	8.28
3. Child and youth under detention	401	3	404	0.22
4. Detainee	1,139	186	1,325	0.72
Total	158,748	26,321	185,069	100

Source: Inmate Statistics Center, Policy Planning Division, Department of Corrections

Table 3 Prisoners Statistics by Type of Offences

Type of Offences	Male	Female	Total	Percentage
1. Offence against property	25,911	1,647	27,558	22.25
2. Offence against narcotics law	56,689	15,349	72,038	58.16
3. Offence against life	8,798	277	9,075	7.83
4. Bodily harm	3,552	83	3,635	2.93
5. Offence against social security	216	11	227	0.22
6. Others	5,031	496	5,527	4.46

Source: Corrections in Thailand 2008- an annual report published by the Department of Corrections, Thailand.

Table 4. Prisoners Statistics by Sentence Terms

Sentence Term	Male	Female	Total	Percentage
Less than 3 months	899	96	955	0.77
3- 6 months	2,889	382	3,271	2.53
6 months – 1 year	7,930	1,263	9,193	7.12
1 – 2 years	16,164	3,173	19,337	14.97

2 – 5 years	32,700	4,274	36,974	28.63
5 – 20 years	38,018	6,836	44,854	36.22
20 – 50 years	10,149	2,142	12,291	7.83
Life imprisonment	1,653	218	1,871	1.51
Death penalty	113	7	120	0.09

Source: Corrections in Thailand 2008- an annual report published by the Department of Corrections, Thailand.

In order to respond to problems faced by the corrections system, especially the serious issue of overcrowding, various measures to introduce community-based alternatives to imprisonment has been considered and put to work under the management of Department of Probation. In the next part, I will highlight some of the key measures such as the drug diversion programs and restorative justice interventions.

DRUG DIVERSION PROGRAM: A MAJOR SCHEME TO REDUCE OVERCROWDING

The Thai government has adopted a new policy to tackle the narcotic drug problems since 2002. The new emphasis was on the holistic approach to the solution of drug problems. Instead of relying exclusively on the reduction of the supply of drug or the suppression, equally importance is the reduction of the demand side which has been neglected in the past. It is also equally necessary to put more effort on the preventive measures, particularly regarding the potential risk groups, such as teenagers, etc.

Under the policy, the drug users and drug addicts, who previously had been prosecuted as the criminal offenders, are to be regarded as patients who need rehabilitation treatment. In 2002, the law on Drug Rehabilitation was drafted to provide a new legal framework for the integrated treatment of drug related offenders in Thailand. Under the new scheme, all related government agencies have to work closely together to provide integrated responses to the treatment of drug offenders. These agencies include the Office of the Narcotic Control Board, the Royal Thai Police, the Department of Corrections, the Department of Juvenile Observation and Protection, the Court of Justice, the Royal Thai Army, the Royal Thai Navy, the Royal Thai Air Force, the Ministry of Public Health, the Ministry of Interior, the Bangkok Metropolitan Administration, and the Department of Probation serving as the focal point.

The 2002 Drug Rehabilitation Act stipulates that the person charged with “drug addiction”, “drug addiction and possession”, “drug addiction and possession for disposal”, or “drug addiction and disposal,” if the amount of possession is less than the limitation of the law, is to be transferred to the court within 48 hours, and in the case of young persons 24 hours. The court then will be able to divert the case from the traditional criminal justice system and refer the person to designated facilities for drug assessment. The evaluation will be conducted by the regional Sub-committee of Narcotic Addict Rehabilitation, chaired by chief provincial public prosecutors, who will make a decision whether the person is a drug addict. Apart from this, the committee is given statutory power to supervise drug abusers/addicts during the assessment and rehabilitation, refer the person to drug rehabilitation centers, consider the extension or reduction of rehabilitation period, and grant temporary release during detention. If the evaluation result shows that the person is a drug

abuser/addict, s/he will be required to attend treatment programs for a specific period of time. After a successful completion of the programs with satisfactory results, the criminal case will be dropped with no criminal records.

There are two types of rehabilitation schemes available for the drug-related offenders in Thailand: the custodial and the non-custodial rehabilitation. As for the custodial rehabilitation, there are two types of custody options available for the participants to the rehabilitation programs depending on the needs to limit freedom of each participant: the full custody arrangement, and the partial custody arrangement. In either case, the first four months into the rehabilitation scheme are dedicated for the intensive medical treatment of each drug addict. The difference is the differing degree of custody during that period. At present, there are two designated facilities that are equipped to run rehabilitation programs under the full custody treatment: the Lad Loom Kaew Community Treatment Center in Pathumtani province, and the Jirasa Air Force Base Center operated by the Royal Air Force. In case of partial custody requirement, the four-month rehabilitation programs are designed based on the FAST MODEL and are available at facilities under various government agencies including military camps, naval camps, and the medical treatment centers of the Ministry of Public Health. In case of partial custody, there are more variety in terms of the actual depending on the emphasis and available resources of the participating agencies.

Upon completing the intensive rehabilitation program, each participant will be released and allowed to live within their community under the probation for another two months. The Department of Probation is the central agency overseeing this process where emphasis is placed on preparing each participant for the reintegration into the society. After completing the probation, the participants will be periodically monitored by the volunteer probation officers or the volunteer public health officers for another 12 months to evaluate if they are successfully rehabilitated. Successful participants to the scheme are then exempt from the criminal prosecution.

Regarding the non-custodial rehabilitation, the participants who are diagnosed as addicts may be admitted at the hospitals or other rehabilitation centers, to receive the appropriate treatment. This step lasts from four to six months. In the case where the participants are deemed as merely drug users, they will receive a treatment provided by the Department of Probation for six months. The remaining two-month probation period and the one-year monitoring period, are implemented in the same way as the rehabilitation under the custody scheme.

In addition to the implementation of the rehabilitation scheme, the Department of Probation has also come up with a number of initiatives to assist the drug-related offenders in their effort to achieve the successful reintegration, such as programs on basic education and vocational supports and enhancement of family support, etc.

As regards the programs for the enhancement of family support, this initiative involves educating family members of the drug addicts on how to support the rehabilitation effort, counseling service for family members as well as the participants to the rehabilitation program. The rationale for this initiative is that the rehabilitation will be effective only when it extends to cover all stakeholders where the family members of each drug addict can play significant roles. In order to ensure the smooth and happy reintegration of the offenders back into the society, the support and understanding on the part of his or her family is deemed indispensable. The initiative has proved very effective in equipping both the rehabilitants and

their family with the understanding of the importance of the community-therapy, the fostering of bond among family members, and the importance of having the right mindsets in dealing and supporting the rehabilitation effort of the offenders. It was found the participants whose family members also took part in the initiative had a higher rate of successful rehabilitation.

Apart from the above-mentioned rehabilitation programs, the Department of Probation has put great emphasis on reviving the community spirits and involving them in the drug rehabilitation program. Through the new policy, “community justice networks,” which I will elaborate more later, have been established within certain communities around the country. These networks will, among other things, assist in the persuasion of drug users/addicts to receive treatment in voluntary treatment programs (without having to arrest them). Family and community support and encouragement are also necessary during and after the treatment. These networks will collaborate closely with the volunteer probation officers in the aftercare and the follow up of the drug users and addicts within the community after the treatment.

RESTORATIVE JUSTICE INTERVENTIONS

“Restorative justice” is the name given to a wide range of emerging justice approaches that aim for a more healing and satisfying response to crime. While each approach may be different, the basic philosophy and principles of restorative justice are common: restorative justice views crime as harm to people and justice as restoring social harmony by helping victims, offenders and the community to heal. In fact, restorative justice is not a wholly new concept, elements of restorative justice have been presented in major criminal justice systems for many decades, in some cases, centuries. With the obvious shortcomings of conventional criminal justice and recent interest in reassessment of the relationships between offenders, victims and the State in criminal cases, there are growing interests in restorative justice in many jurisdictions around the world, including in Thailand.

In the case of Thailand, restorative justice are appropriately capable of addressing many concerns in the administration of justice. Underlying the crime prevention goals of restorative justice is the reduction of prison populations and formal criminal justice processing through the rehabilitation of offenders by committing them to assuming greater accountability and sensitivity to their victims. The procedures through which prison reductions are to occur involve the use of various forms of diversions from courts as well alternatives to incarceration which also coincides with the current policy of reducing cases coming into the formal justice processes. In addition, the restorative process by which restorative outcomes are achieved is the process that involves and empowers individuals and communities to deal with many of the crime and disorder problems normally dealt with by the state criminal justice system. In line with the policy of more community participation and involvement, restorative justice emphasizes the solving of crime and justice problems through the delegation of many aspects of criminal justice decision making to the local level. It also supports the use of partnerships, where desirable, between the private parties, that is, individuals and communities on the one side, and the public spheres, that is, state agencies, such as police, prosecutors and probation services, on the other.

In Thailand, there are several criminal justice agencies implementing restorative justice interventions. To begin with, the Department of Juvenile Observation and Protection has been implementing restorative justice conference since 2003. It is taken in forms of 'Family and Community Group Conference' (FCGC), conducted in the pre-trial stage as a channel of diversions. From the beginning of the program in June 2003 to February 2008, there were 21,490 cases where FCGC were conducted, of which 18,128 cases were approved for non-prosecution by public prosecutors. In addition, the Department of Probation also has also initiated programs on restorative justice intervention since 2003. The program is known as 'Restore-Relationship Conferencing', conducting at the pre-sentence/social investigation stage. Due partly to the legislative limitation, the initiative does not place an emphasis on diversion. Rather, the outcome of restorative justice conferences proves beneficial for judges in giving appropriate sentences. This is particularly when judges examine the extent to which offenders feel guilty and if any reparation is made to the committed crime.

Restorative justice has begun to gain wider acceptance in Thailand. Recently, the Criminal Court has also initiated a pilot project on criminal mediation based on restorative justice principles. Draft legislations on diversions of small criminal cases during the police and prosecutors stages have also been proposed for consideration of the parliament.

COMMUNITY PARTICIPATION: A KEY TO SUCCESS

The Department of Probation recognizes the importance of community networks as valuable community-based resource for the sustainable correctional programs. It is important to empower each community to develop its own mechanism of crime prevention. Therefore, the Department has emphasized on equipping the communities with knowledge before engaging them into taking an active role in the crime prevention and community-based rehabilitation of the offenders. Some of the ongoing initiatives aimed at community empowerment are the following:

Volunteer Probation Officers Program

The initiative to allow community members to actively take part in probation service has been in place since 1986. From the beginning, the volunteer probation officers have an integral part of the probation system since they provide a linkage between the State and the general public. They also serve as multiplying factors in the attempt by the Department of Probation to reach out to the community, either through various schemes to disseminate information, to educate people, or to sensitize the public to various issues including certain types of criminal offenses. One of these important roles is to provide effective monitoring for the offenders who are serving the probation orders within the community to ensure their conducts are in accordance with the conditions set by the Court.

In performing such duties, these volunteers are also responsible for providing help to, and assessing the progress made by these offenders – an indispensable element of the successful probation system. Thus, the volunteer probation officers make an invaluable contribution to foster the effective reintegration of the offenders back into the society, particular through their roles in narrowing the gaps that exists between the life of offenders and that of the normal citizen, and help the offenders overcome the alienation upon their return to the society. There are approximately 10,000 VPOs currently registered throughout the nation. To foster networking and sharing of information among volunteer probation

officers, an Association for Volunteer Probation Officers has been established under the support of the Ministry of Justice. The Association has Chapters in all 76 provinces throughout Thailand. The Department of Probation together with the Association will organize an annual conference for all Chapters every year where VPOs from all over the country can meet and exchange their experiences. Every year the Department will sought Royal Declarations and provide recognition awards to outstanding VPOs for their dedication and contributions.

Community Justice Networks

Starting from 2003 as a pilot project, the initiative has been the first attempt by the Department of Probation to put the theory of community justice into work. The necessity for having this kind of networks is due to the fact that the Department of Probation felt the need to have a broader base of support by the community so as to be able to cope with much more demanding responsibilities, especially on the rehabilitation of drug addicts. By the concept of ‘community justice’ where the community can work in ‘partnership’ with the government, it was hope that the community can join hand to help during rehabilitation and reintegration of drug addicts to the society. The pilot project was proved to be successful and the idea of working in ‘partnership’ with the community has been expanded to other areas beyond drug rehabilitation.

In Thailand, the concept of people in the community joining hands with the authorities in law enforcement and providing justice has long been a tradition in the Thai rural communities. This tradition has lately been neglected once the modern criminal justice agencies were established. The pilot project initiated by the Department Probation has been successful in bringing about this hidden strength of the community. It was found that through the unity and bonding between members in the community, it was possible to bring about positive outcomes in terms of helping and caring for the needy in the society. By empowering the community to be more active and get involved in day to day justice activities, community resources and social capital can be fully utilized to achieve the end result.

Under the initiative, a community justice center is established within the community where the members are recruited from the general public as volunteers. These volunteers will receive training from the Department before they get together to commence their functions, such as hearing of complaints, organizing meeting to deal with disputes. Community justice newsletters and other periodicals, combined with frequent exchange of site visits, are used to strengthen and maintain the close relationship between the networks and the Ministry of Justice. From 2005 until present, the community justice networks have grown into a large network of volunteers of approximately 60,000 members, who can join their efforts through various activities organized around the 530 community justice centers scattering all over the country.

KEY CHALLENGES AND WAYS FORWARD

(1) Explosive growth in scope of work

As mentioned earlier, since 2002 the Department of Probation has been the key agency in the implementation of alternatives to incarceration in Thailand. Although it has been successful in reducing as many as one thirds of the numbers of inmates during the peak

time in 2002, i.e. from 260,000 to 170,000 in 2006, the Department of Probation has been facing considerable pressure of increased workloads. Figure 4 shows the number of cases that fall under the responsibility of the probation officers, while Figure 5 traces the number of probationers entering the system during the past 30 years comparing with the number of inmates in incarceration. Here the explosive growth in responsibility of the probation staffs in recent years is clearly visible.

Figure 4 Number of cases handled by the Department of Probation in past 30 years. The number represents that coming from all types of work except that of the community justice.

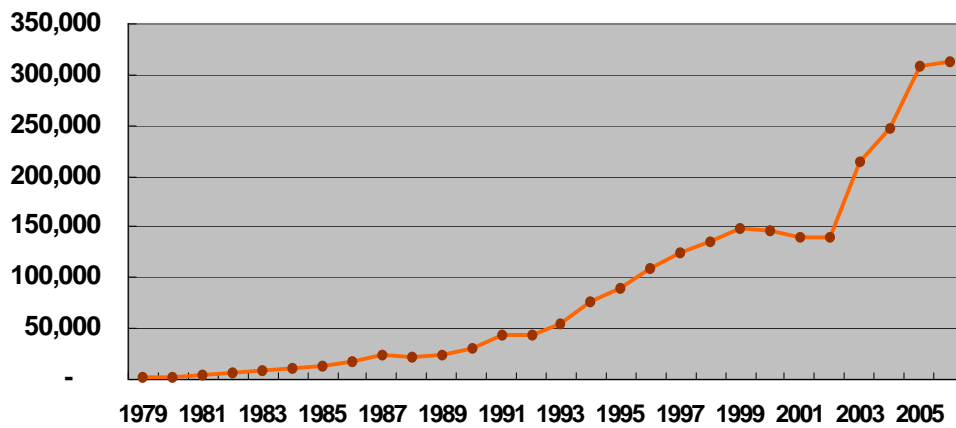
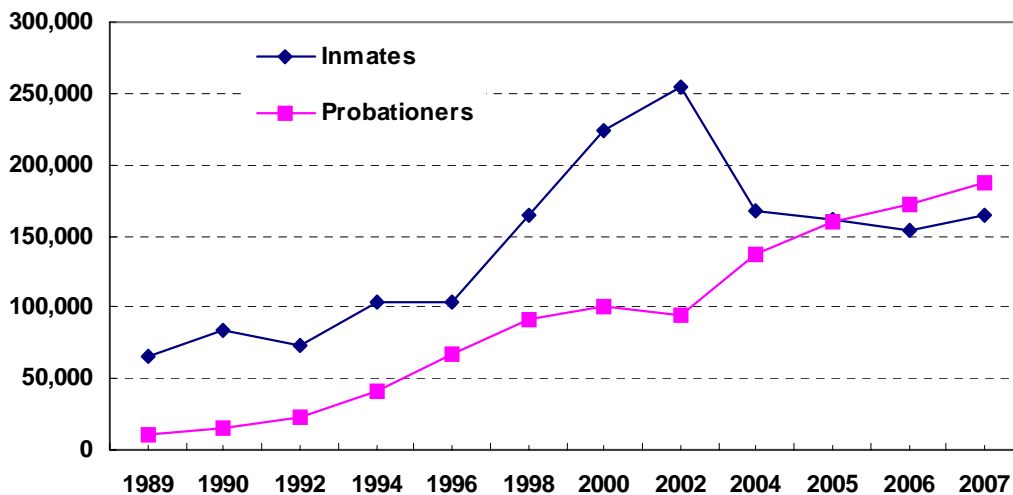


Figure 5 Number of offenders entering into the probation system vs. that placed under custody for the period of 30 years.



The increase is not only in the quantity of work, but also the variety of missions. New laws that have been in force in recent years have paved way for the expanded scope of probation work from the traditional intensive probation based on investigation and supervision of the offenders, to the new frontier where probation work becomes an essential instrument for the diversion and crime prevention. The expanded scope of work has considerable impact on the probation staffs already under the stress from being employed in the constantly under-staffed work environment. So far, the Department of Probation has introduced numerous measures to improve the working system including the introduction of information technology and innovative approaches with an aim to enhance the efficiency of work. Still, all this will not be enough to effectively address the overwhelming problem of workload increase and its impact on the morale of the staffs, unless the government takes this issue seriously and comes up with a systematic way to provide sufficient support. In order for the community-based treatment to serve as a viable alternative for the treatment of offenders, it is important that well-focused criminal justice policy regarding the non-custodial treatment and reintegration of offenders across the criminal justice process is in place. It is also highly desirable that all stakeholders and responsible government agencies, especially the Department of Probation, continue to their efforts to improve and enhance the capacity of their staffs. This entails providing the staffs with training and opportunity to acquire and develop new skills to cope with the expanding new responsibilities; improving work conditions; and enhancing the overall efficiency of the work system . This is particularly important when one considers the fact that there will always be certain degree of constraints at the high policy level to reduce the size of the bureaucratic system, making it very difficult for the public agencies to employ additional staffs to match with the increased works.

(2) Needs for enhanced visibility

Probation work, being the approach where most of the activities take place within the community at the microscopic level, tends to be less visible in the eyes of the general public compared to the institutional custody treatment. One serious implication for this relatively low visibility is the difficulty in trying to convince the decision makers who might not be able to see the tangible results of probation work, to provide essential support both in terms of policy advocacy and financial support. Thus, the Department of Probation will have to put more strategic effort to make the outcome of the probation programs as clear and concrete as possible in order to gain understanding and appreciation from the general public. In this connection, the Department has been successful in raising the visibility of the probation treatment for drunk-drivers. In this initiative, drunk drivers who would normally have received fine sentenced were instead given suspended imprisonment sentences and put on probation with the requirement that they perform community service. The Department of Probation selects community services activities designed to sensitize drunk drivers to the kinds of injuries they might cause themselves or others. They include assisting victims of car accidents, working in hospitals, and volunteering for road accident emergency rescue units and for campaigning against drunk driving during the New Year holidays and Songkran Festival or the traditional Thai New Year. The initiative combines community services with public education with networks of government and civil society organizations to create an effective, national campaign against drunk driving in Thailand. As a result of working hard to get the campaign's message to the public, the recent poll conducted [in 2006] by the Assumption University in Bangkok found that 91 percent of the public polled agreed with the idea that drunk drivers should receive community service orders. When asked whether they had heard of the Department of Probation, once the least known organization in the criminal

justice system, 83 percent of the respondents said yes, a steep rise from the 48 percent in a 2000 survey.

(3) More effective treatment programs

In order for the community-based treatment of offenders to become a viable alternative to incarceration there is urgent needs for the Department of Probation to come up with effective programs of treatment with ensure rehabilitation of offenders and reduction of reoffending. This should require a good system of risk assessment that allow probation and parole officers to effectively distinguish between the high and low risk groups of offenders and apply appropriate rehabilitation programs that take into account public protection aspects. In this connection, the Department of Probation should put more emphasis on designing effective offending behaviour programs that enhance thinking or cognitive skills of offenders. There should also be more variety of programs which should respond to specific needs of each particular group of offenders, such as anger management, domestic abuse, sex offenders programs, etc. As most of the social issues and causes of crime become more and more complicated these days, there is a constant need for the probation staffs to improve their efficiency and to acquire new knowledge and skills so that they can cope better with the more sophisticated demands when conducting supervision and providing assistance to the offenders that effectively address their problems at the fundamental level.

In the early days, especially when the Department of Probation was under direct control of the judiciary, main responsibility of probation officers has been to prepare the so-called social inquiry reports for judges to use as pre-sentencing information with less emphasis on turning the probation programs into an effective alternative to the prevalent forms of punishment. So far, the Department of Probation has been successful in developing programs specific to the treatment of drug addicts as well as drunk-driving offenders. More of the customized treatments such as these will be necessary for the quality probation programs of the future.

(4) More focus on reintegration

At the heart of any quality treatment lies the ultimate goal of reintegration of the offenders into the society. Measures must be tested and monitored for their effectiveness in terms of providing assistance to the offenders so they can attain such goal. With the reform of 2002, the task of ensuring smooth reintegration of offenders, under both parole and probation are under the responsibility of the Department of Probation. In reality, it is difficult for these socially disadvantaged groups to start a new life in the society without further assistance for reintegration. It is thus important that more attention should be paid to aftercare services which will enable the offenders to regain their reformative potential and self-improvement. In this connection, Department of Probation has recently applied the use of 'halfway house' to help offenders in need of accommodation. Halfway houses are there to help them adjust and be prepared to get back to their family/community. As a temporary accommodation, there are a variety of routine activities and programs in the halfway houses including occupational training, spiritual counseling, and various skill development programs. In running the temporary residences, Department of Probation attempts to integrate various sciences, local and traditional know-hows, traditions, cultures, and religions altogether. Thus the halfway house can be considered as a boundless work among the probation departments, religious institutes, and the community at large. Currently there are several halfway houses operated by the Department which are located in provinces such as Nakhon Sawan, Amnat Charoen, Maha Sarakham, Kamphaeng Phet, and Phatthalung,

providing services for not only the offenders under the probation order, but also the drug addicts under the diversion initiative. It is important that the Department of Probation continue with this important initiative and put greater effort in involving all stakeholders, including the community to join into this significant mission.

(5) More embrace of innovations

In many cases, innovative approaches for the treatment of offenders can prove very effective. Currently, Thailand is exploring a number of intermediate sanctions including intensive probation, home detention, weekend detention, periodic detention or curfew, and electronic monitoring for the community-based treatment of the offenders. If such variety of innovative options are available, it is more viable to extend the use of alternative to incarceration such as probation to a higher risk group of offenders. Additional innovative approaches might include pre-sentencing probation, assistance programs for victims of crimes, as well as the implement of restorative justice measures. In this connection, it is necessary that there are amendments to the existing legal framework to incorporate these new sentencing options.

In response to the need to systematically embrace more innovative approaches, some might look for the establishment of new agency to be responsible for the new demand. Still, in my opinion, it might be more productive to consider assigning such new missions to the Department of Probation, considering that its staffs have had considerable real work experience and equipped with necessary fundamental knowledge and skills. Each probation officer, provided that they are properly trained, will have at least three significant qualifications, namely: 1) being knowledgeable with respect to laws and criminal justice system, 2) having good background knowledge on psychology and social welfare, and 3) having intensive working experience with all key stakeholders in the criminal justice process—whether they are the police, the public prosecutors, the offenders, the victims of crimes, or the members of local community. Therefore, we only need to build up more on the well-laid foundation which will be more cost effective and feasible.

(6) More partnership and networking

Success by the Department of Probation in promoting public participation in the criminal justice process of Thailand has inspired the decision-makers at the top policy levels to apply this model of volunteers and community justice network, to address other key criminal justice issues, especially to develop the community-based system of responses focusing on the alternative dispute resolution and access to legal assistance. So far, the volunteer probation officers initiative as well as the prototyped networking initiatives by the Department of Probation have led to great success in mobilizing public support for and understanding of the work on offender treatment, which results in more effective implementation of treatment programs and after-release assistance programs within the community. My experience in working to promote public participation in the treatment of offenders has confirmed the fundamental belief that direct engagement of the community members, either through the form of volunteer probation officers or a broader-based criminal justice network is indispensable for the effective implementation of the alternative treatments for imprisonment. It is the most efficient way to make use of resources within the local community as well as other forms of social capitals to support the probation works as well as other functions relating to law and justice. In the context of Thailand's political system, direct participation from the local community also contributes to the on-going efforts with respect

to decentralization of administration power from the central government as mandated by the Constitution. As present, there are over 6,700 Tambon Administration Organizations - the smallest units of local governments - throughout Thailand with increasing independence in terms of policy planning and budget management. The success in promoting community involvement in the treatment of offenders should be expanded to include the form of partnership agreement with these local administrations, which, in my opinion, will provide a more sustainable solution to the chronic problems of budget constraints and lack of support for the assistance program for the reintegration of the offenders into the society.

CONCLUSION

The community-based treatment in Thailand has come a long way since it was first introduced 30 years ago as an alternative to the custodial treatment for adult offenders, into a well-accepted option for diversion of criminal cases from the mainstream treatment programs based on the incarceration. There have been a number of new measures for specific group of offenders to better serve their needs. Public participation and community engagement have become the integral part of system where the rehabilitation and reintegration are the ultimate goals. Some innovative measures such as restorative justice with emphasis and role for the victim have been sought after more and more. Finally, the working style where community networking and partnership are the absolute ingredients has become the norm. All these are the good signs for the sustainable development of the community-based approach.

Ever since the time of the inception thirty years ago, now is perhaps the most crucial time for the community-based treatment measures in Thailand. With stronger support at the policy making level, and with more important tasks at hand, it is important that the Department of Probation, who shoulder the responsibilities of implementing the community-based measures, put great effort on monitoring and evaluating the outcome of such programs, while maintaining the quality of work despite the rising demands. Through decades of hard work, the Department of Probation has been successful in introducing and firmly establishing the system community-based treatment of offenders in Thailand. However, if these community-based alternatives to incarceration are to be wider accepted and utilized, it is necessary that full support be urgently given to the Department of Probation. Viewed as cheaper alternative, community-based treatment measures in many countries, including Thailand, are facing the same problems of chronic lack of funding and inadequate personnel resource. Although community-based options may in fact be a cheaper alternative, this does not mean that they can survive without adequate funding and support. To ensure successful result, it is necessary that due consideration be given to providing full support to probation works during this important period for continuing growth and maturity.

Thank you for your kind attention.