

OVERVIEW OF THE COMMUNITY CORRECTIONS SYSTEM OF THAILAND

I. INTRODUCTION TO COMMUNITY CORRECTIONS IN THAILAND

A. Historical Development of Community Corrections

In Thailand, the probation service has its origin in 1952. It was unofficially started with juvenile supervision operating by juvenile detention centers. In 1956, the Penal Code was enacted and was also the first statutory foundation of the probation services in Thailand because the Section 56 – 58 of the Penal Code made it possible for judges to impose a suspended sentence with a probation condition. However, due to the lack of a responsible authority, during that initial period the courts hardly put this into practice. Not until 1979 the first probation office for adult offenders came into being, when the Probation Procedure Act 1979 was enacted. It was inaugurated on August 7th, 1979, directly accountable to the Criminal Court, under the Office of Judicial Affairs. The office was responsible for the pre-sentence investigation and supervision of adult offenders for the court in the Bangkok area. In 1983, it began to open regional probation offices to expand its work. In line with this expansion, a volunteer probation initiative was introduced. The first Volunteer Probation Officers (VPOs) was accordingly appointed in 1985. Undoubtedly, VPOs has since become our valuable local resource.

On March 15th, 1992 marked another remarkable reform in the Thai probation service when the Central Probation Office was officially supplanted by the new “Department of Probation” (DOP) under the responsibility of the Ministry of Justice. The DOP has continued to see many changes afterwards. One is that although for most of its history the probation service served simply adult probationers, it began to supervise other groups of clients within the community. The restructuring followed the recommendations of the cabinet resolution on July 10th, 2001 that the DOP should be the main agency in dealing with community corrections. The role of probation officers has consequently shifted from providing a service to merely adult offenders to all types of probationers. That includes the pre-investigation of adult offenders; post-sentence investigation of parolees; the supervision of adult and juvenile probationers, and parolees; and the provision of after-care service for probationers, parolees, and ex-offenders.

In 2002, Thailand witnessed further significant change as a result of the inception of the Narcotic Addict Rehabilitation Act 2002. The Act has introduced the drug compulsory treatment programs with a new concept in solving drug problems. That is, drug addicts

should be considered as patients rather than criminals, according to government announcement ‘...In dealing with aggravating drug crisis, emphasis placed on the prevention, should not be less than the suppression. Drug addicts shall be treated, while drug producers or traffickers shall be harshly punished...’ Therefore, the DOP has become the agency to enforce this act.

In 2003, the Penal Code 1956 was amended and enabled judges to impose the Community Service Order in lieu of fine, supervised by probation officers. In 2005, the DOP became a key part of the historic forming of local Community Justice Networks nationwide under the Ministerial Strategy - “Justice for All, All for Justice”. Center to the initiative was to encourage the community to work in partnership with the DOP and other criminal justice agencies in preventing crime and protecting their own community.

B. Legal Basis of Community Corrections

1. The Penal Code 1956, Section 56 – 58
2. The Probation Procedure Act 1979
3. The Narcotic Addict Rehabilitation Act 2002

C. Organization and Personnel

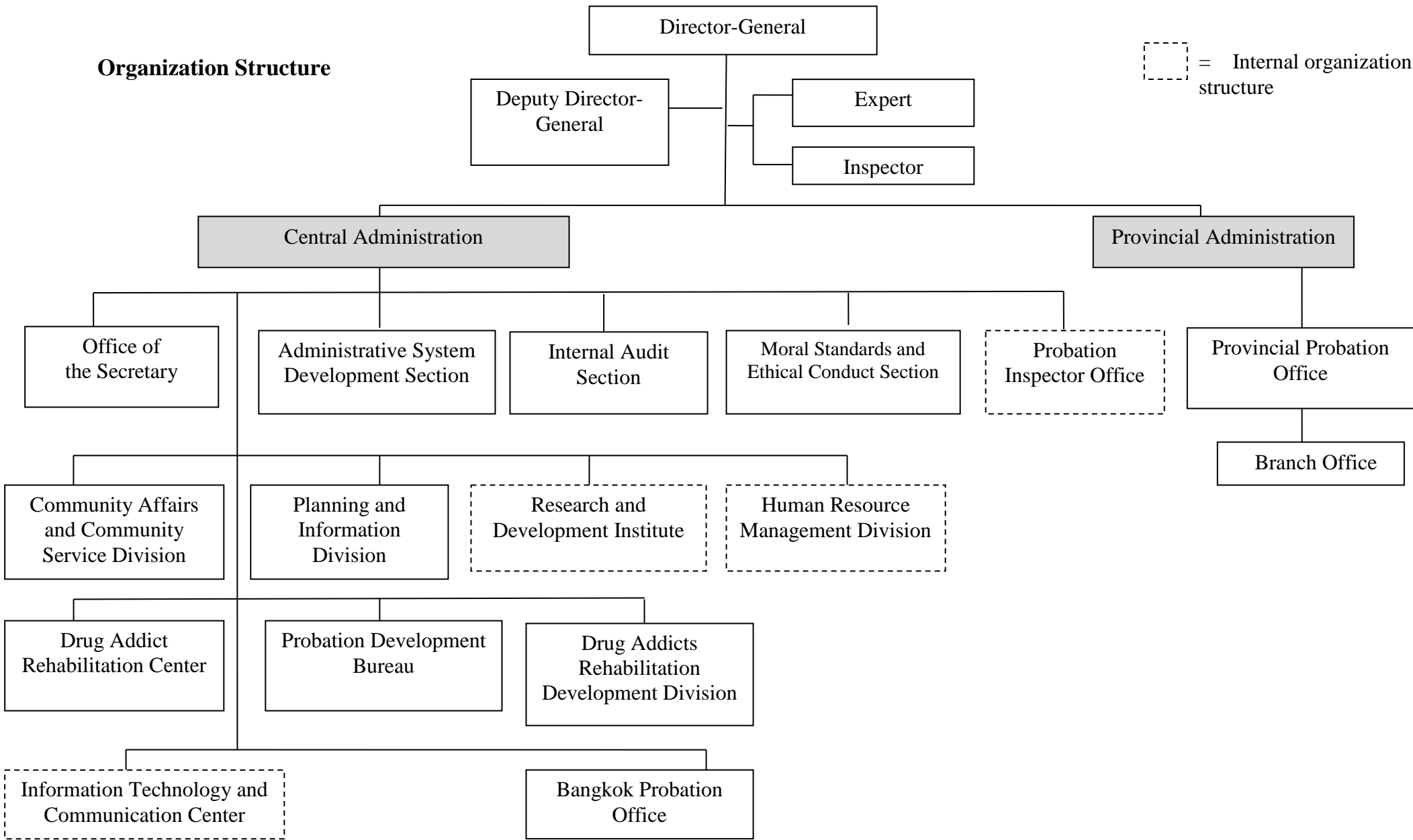
The Department of Probation, Ministry of Justice is the main agency for administering probation during pre-trial and post-trial stages and is assigned to assess and rehabilitate drug addicts in accordance with the Drug Addict Rehabilitation Act 2002. In 2013, the DOP’s vision is to be professional in protection of society by rehabilitating and reintegrating offenders to the community.

According to the Ministerial Regulation on the Division of the Department of Probation 2008, the department has a duty to conduct social investigation, supervision, and rehabilitation; provide aftercare service for offenders and ex-offenders; provide drug rehabilitation for drug addicts in the compulsory treatment system in accordance with the Narcotic Addict Rehabilitation Act; develop the system and program for the treatment of offenders; administer according to the Ministry’ policies and plan as well as monitor and evaluate the performance of the department’s agencies; and coordinate the participation of the community in the treatment of offenders.

In 2013, there are 108 probation offices countrywide and 4,250 officers consisting of 2,368 probation officers and 1,882 administrative officers.

Organization Structure

 = Internal organization structure



D. Main Tasks

1. Pre-sentence and Post-sentence Investigation

A key role of probation officers is to prepare the social investigation report for the court at the pre-sentence stage and the parole board at the post-sentence stage. The investigation process aims to collect and analyze material relating to the offender's background and case in order to make recommendations for appropriate punitive and rehabilitation measures. This will ultimately both protect society and reduce recidivism.

2. Supervision and Rehabilitation of Offenders

Supervision of offenders consists of monitoring and assisting offenders to comply with their conditions. During the probation period, probation officers also help in rehabilitating offenders through various treatment programs, such as vocational training, moral education, counseling, group therapy and behavior modification. Community service can also be applied if an offender agrees with.

3. Welfare Service for Offenders and Ex-offenders

Some offenders on probation are classified as socially disadvantaged and/or incapable of conforming to legal norms. Welfare services offered by the Department of Probation pay special attention to these and other released offenders, aiming for their successful rehabilitation and social reintegration. The offered services include meal and transportation allowances, educational or vocational training, employment opportunity, and housing services.

4. Drug Rehabilitation in the Compulsory Treatment System

In accordance with the Narcotic Addict Rehabilitation Act 2002, drug addicts who are arrested on charges of drug addiction, drug addiction and possession, drug addiction and possession for disposal, or drug addiction and disposal will be referred to the compulsory treatment system.

E. Probationary and Parole Supervision

1. Pre-sentence and Post-sentence Investigation

At present, criminal cases eligible for a pre-sentence investigation are those imposed a custodial sentence of not more than 3 year and the defendant pleads guilty. Probation officers have 15 days for the preparation after the court order which is extendable for another 30-day period if the court permits.

Cases referred to the post-sentence investigation are referred by the Department of Corrections. The aims of the investigation are to ensure that the offender will not reoffend and to protect the society from another crime. During the investigation process, a probation officer will gather information from the guarantor as well as the community and victims if necessary. The investigation process will take about 1 month but can be extended up to 2 months. Prisoners who are eligible for parole are those who serve one third of their sentence or 10 years in case of life imprisonment and have the remaining sentence at least one year. Additionally, prisoners are eligible for parole through sentence remission. If they serve their sentence for at least 6 months or 10 years in case of life imprisonment and their remaining sentence equals to the remission, they can be conditionally released on parole.

2. Supervision and Rehabilitation of Offenders

The majority of offenders under the supervision of the department are adult offenders under the suspended sentence with the condition of probation. The court can order up to 5 years of suspension. However, the probation period is about 1 year.

The condition of probation is also applied to juvenile offenders (10-18 yrs) by the Juvenile and Family court. According to Section 138 of the Juvenile and Family Court and Juvenile and Family Procedure Act 2010, the length of probation applied to juveniles shall not exceed 1 year. Prisoners who are released on parole or sentence remission shall also be supervised by probation officers.

In conclusion, offenders under the supervision of the department consist of 3 groups.

- 1) Adult offenders aged 18 and above, who are on suspension of sentence or punishment
- 2) Prisoners who are released on parole or sentence remission
- 3) Juvenile offenders aged over 10 years but below 18 years who are:
 - Sentenced not-guilty but probation is deemed necessary
 - Sentenced guilty but given a suspended sentence with probation
 - Conditionally released from a training center
 - Discharged from a training center but probation is deemed necessary

3. Community Service

The Department of Probation also offers the community service program for probationers. Community service can be used as a condition which the court orders for the probationers or the Sub-committee of Drug Addict Rehabilitation orders as a supplement to the drug treatment program. Additionally, the offenders who could not pay fine can conduct

community service in lieu of fine. However, community service must be conducted with the offenders' consent and without remuneration.

4. Drug Rehabilitation in the Compulsory Treatment System

If the offender is assessed as being addicted, the prosecutor will suspend the prosecution. The drug addict will then be treated according to the rehabilitation plan assigned by the Sub-committee of Drug Addict Rehabilitation. The treatment process is divided to 2 phases:

- 1) the drug treatment phase provided by drug rehabilitation centers taking about 4 months;
- 2) the social reintegration phase provided by probation offices taking about 2 months.

The probation office acting as the secretary of the sub-committee will monitor the treatment process and report the rehabilitation results to the sub-committee. If the result is successful, the sub-committee will release the drug addict without prosecution and no criminal record.

F. Residential Facilities within the Probation Services

Drug Rehabilitation Center for Drug Addicts

The Department of Probation has been responsible for the following drug rehabilitation centers.

1) Drug Addicts Rehabilitation Center: Ladlumkaew Home (Pathumthani Province)

This center is for rehabilitation of Drug addicts in the intensive and custodial type, where a Therapeutic Community (TC) model is implemented. TC is a treatment program that engages the whole person in the rehabilitation process and challenges the individual to have a positive life. TC's primary goals are the cessation of drug abuse behavior and fostering personal growth. In the therapeutic community, everyone is equally treated and seen as a family member, while the rules and regulations are applied to everyone. Rewarding and punishment are used to shape the members' behavior. Those who are well-performed will be promoted to the next level and receive privileges. The concept underlying this model is that people can change and grow through a group process.

2) Drug Addicts Rehabilitation Center: Pattani Province

This center is under construction and will be operated soon.

G. Specific Measures and Programmes of Community Corrections

1. Offender Reintegration through the Philosophy of Sufficiency Economy

The philosophy of the Sufficiency Economy was developed by His Majesty King Bhumibol Adulyadej to show his people a balanced way of life. Sufficiency in this context means living in moderation and being self-reliant. This concept can be applied to all levels and sectors of the society and is not necessarily limited to the agricultural or rural area. Therefore, the Philosophy of Sufficiency Economy has also been adapted to offender rehabilitation and reintegration.

As a part of the Inspire (Kamlangjai) project, in 2010 Her Royal Highness Princess Bajrakitiyabha introduced the Philosophy of Sufficiency Economy to the prisoners with the hope that they will be equipped with knowledge and understanding of sufficient economy and skills for sufficient living. Prisoners are expected to be capable of farming and self-sufficient living skills, such as bio-gas and bio-diesel production, herbal insecticide making, and brick house building; and to utilize those skills to earn a living that they choose to upon released. In order to facilitate a smooth transition from imprisonment to probation, the Department of Probation agrees to support the released prisoners in this project. In 2011, the pilot project was launched and 52 probation officers were trained to understand the Sufficiency Economy Philosophy so that they would be able to extend this knowledge in assisting the prisoners after release. The probation officers also made several visits to the probationers' houses to see their living situation. By teaching the offenders how to live in moderation and to be self-reliant, the DOP hopes that this could help the offenders start their law-abiding life, which will prevent re-offending.

2. Family Support toward Drug free Life

Due to excessively large caseloads, especially drug-related cases, and the limit number of the probation officers, the DOP needs to have a broader support from outside in monitoring the probationers to ensure their compliance with their probation conditions. Given that urgent need, in 2011 the DOP has started the pilot project named "the Family Support toward Drug Free Life" by inviting the families of drug-related offenders to take an active role in rehabilitation and reintegration of offenders. The family in this context includes (but not limit to) parents, spouse, family members, relatives, teachers, friends, and employers.

The idea behind this project is that family is the closest group of people to the offenders and is the most valuable resource for encouraging and supporting them throughout their rehabilitation process. More importantly, the family also shares the same goal with the DOP which is to see success in the offenders' rehabilitation. The DOP believes that the rehabilitation will be effective and sustainable only when each family actively engages and realizes that they are a crucial factor in helping their family members to overcome drug addiction. In July, 2012 the Ministry of Justice and the DOP held the opening of "the Family

Support toward Drug Free Life” with over 23,000 people participating in this event. Realizing that the families need basic information in order to supervising their children appropriately, therefore, from November to December, 2012 the DOP provided one-day training to the family members who live in Bangkok and Northeastern of Thailand. Having over 21,000 people attending the two-month training course has shown that the families are greatly concerned about their children’s addiction and willing to support the work of the DOP. Given this success, in 2013 the DOP has planned to extend the training throughout the country.

II. PARTICIPATION OF THE COMMUNITY

A. Volunteer Probation Officers

Volunteer Probation Officer Project (VPO) was established since 1985. Volunteer probation officers are community members who voluntarily work with the Department of Probation in providing probation services. After being trained on core knowledge in rehabilitating and supervising offenders, VPOs will assist probation officers in dealing with probationers in their local communities.

The following list comprises the basic qualification requirements for those interested in joining as a volunteer:

- Be of at least 20 years of age
- Live in a permanent residence
- Be literate
- Be a person of integrity and honesty
- Have suitable income
- Maintain law-abiding behavior
- Have completed required training course
- Have no criminal record except for petty offences or negligence

Currently, there are 13,774 VPOs, working through 738 VPOs' Coordinating Centers (as of August 2013). Those applying for a VPO are carefully screened, recruited, and specifically trained. Afterwards, they will be formally appointed and entitled according to the volunteer regulation. Their roles are mainly to assist probation officers with allocated casework, such as post-sentence investigation, supervision, rehabilitation, and monitoring probationers. Apart from this, they help local probation officers to educate people, sensitize the public, and get involved in other activities relating to probation and public protection. VPOs will not be paid but will get some benefits and honor, which are royal decorations, award for the distinguished performance, and exempt from health service fee.

B. Community Justice

Community justice underlines the community's involvement in the justice process. This concept views the community as the co-producer of justice and that the community should be empowered to work as a partner with other criminal justice agencies in maintaining public order and safety. Even though the community involvement in Thai criminal justice system has been recognized for more than two decades in various forms such as the Volunteer Probation Officer Scheme and the Volunteer in Right and Liberty Protection Scheme, the work is viewed as a top-down model or one way approach, where the criminal justice official assigned the volunteers to do the tasks. On the other hand, the concept of the community justice is to create partnership between the State and the general public.

The Community Justice concept has been formally put into practice by the Ministry of Justice in 2005 under the Ministerial Strategy "Justice for All, All for Justice". The main objective was to ask the community support in offender rehabilitation and reintegration to the society. In other words, it aims to empower the community to make itself strong through its own members. Under the initiative, many community justice centers are established within

the community, where the members are recruited from the general public as volunteers. They are then collaboratively involved in justice activities, such as crime prevention, offender rehabilitation, reconciliation of conflicts, and legal aid, etc. After nearly a decade since its inauguration, the community justice centers have proved to be an appropriate channel for the Thai criminal justice system in responding to the public needs and increase the public's confidence in the justice system. Each year, over 10,000 people have joined the community justice network and 100 centers have been set up.

III. REFERENCE

www.probation.go.th

IV. STATISTICS

Table 1: Investigation Cases by Gender (Newly admitted)

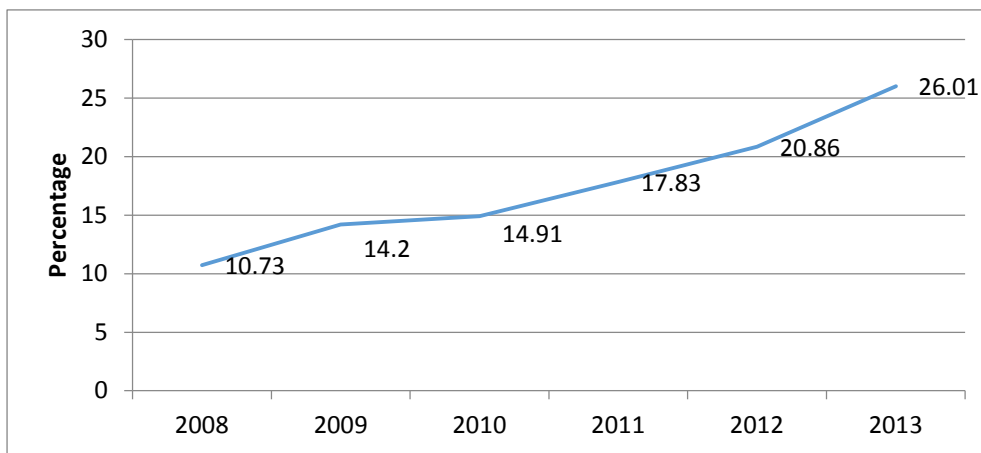
Investigation	2010		2011		2012		2013	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Pre-sentence Investigation	44,895	100%	43,320	100%	42,356	100%	45,873	100%
Male	38,595	85.4%	37,086	85.6%	36,158	86.0%	38,960	84.9%
Female	6,300	14.6%	6,234	14.4%	6,198	14.0%	6,913	15.1%
Post-sentence Investigation	36,163	100%	43,436	100%	41,927	100%	68,841	100%
Male	31,025	85.8%	37,069	85.3%	34,764	82.9%	57,694	83.8%
Female	5,138	14.2%	6,367	14.7%	7,163	17.1%	11,147	16.2%

Table 2: Probation Population by Gender (Newly admitted)

Types of Population	2010		2011		2012		2013	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Adult Probationer	125,949	100%	141,138	100%	148,703	100%	181,604	100%
Male	113,325	90.0%	128,881	91.3%	137,487	92.5%	169,479	93.3%
Female	12,624	10.0%	12,257	8.7%	11,216	7.5%	12,125	6.7%
Parolee	22,721	100%	33,113	100%	25,469	100%	35,012	100%
Male	19,498	85.8%	28,545	86.2%	21,215	83.3%	28,795	82.2%
Female	3,223	14.2%	4,568	13.8%	4,254	16.7%	6,217	17.8%
Juvenile Probationer	23,733	100%	23,548	100%	17,161	100%	20,436	100%
Male	22,244	93.7%	19,357	82.2%	16,082	93.7%	19,229	94.0%
Female	1,489	6.3%	4,191	17.8%	1,079	6.3%	1,207	6.0%

Table 3: Probation Population by Selected Types of Offence (Newly admitted)

Year	Drug related offence	Traffic related offence	Property offence	Against life offence	Sexual offence
2010	43,672	62,566	14,535	10,966	3,616
2011	74,498	65,813	15,983	11,575	3,760
2012	78,211	66,835	12,272	9,838	3,116
2013	119,386	66,821	13,283	10,847	3,285

Figure 1: Recidivism Rate (Reoffending within 3 years after Termination)**Table 4: Drug Rehabilitation Cases in the Compulsory System (Newly admitted)**

Year	Male	Female	Total
2010	109,079	10,441	119,520
2011	161,204	16,378	177,582
2012	159,475	16,591	176,066
2013	186,501	17,460	203,961

Table 5: Community Service Cases

Year	Court Order	Fine Substitution	Total
2011	205,480	471	205,951
2012	221,394	243	221,637
2013	265,011	307	265,318

Table 6: Volunteer Probation Officers and Community Justice Member (as of August 2013)

Types	Number
Volunteer Probation Officers	13,774
Community Justice Member	80,998

Figure 2: Number of Staff (Fiscal Year 2012)

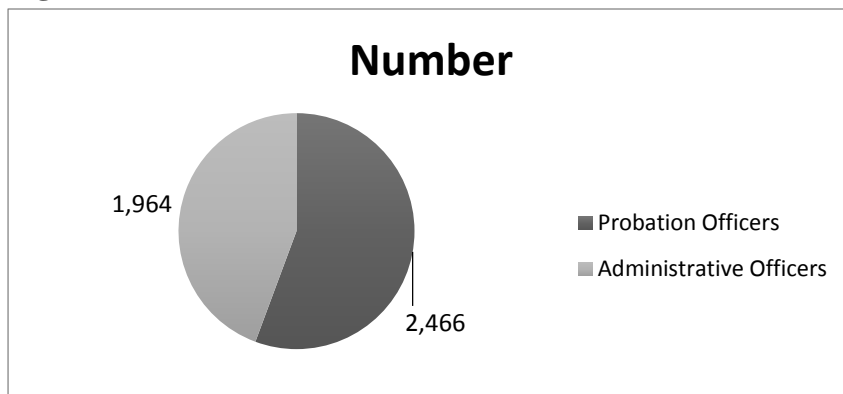


Table 7: Monthly Caseload (Fiscal Year 2013)

Standard Monthly Caseload per Staff	
Investigation Case	8.56 cases
Supervision Case	15.54 cases
Actual Monthly Caseload per Staff	26 cases

Note :

-Fiscal year in Thailand is from October 1st- September 30th -Sources: Division of Planning and Information, Department of Probation, Ministry of Justice, Thailand