

CRIME PREVENTION: CURRENT ISSUES IN CORRECTIONAL TREATMENT AND EFFECTIVE COUNTERMEASURES

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I. INTRODUCTION

When making the comparative study on correction activity, one always firstly looks at the imprisonment rate of each country to overview the general situation. Looking into the statistics of Thailand, one might be astonished of the very high rate of imprisonment, which is 1:270. In 1999, there were 133 prisons and correctional institutions all over the country, with totally 10,909 correctional officials. The prison population was 205,340 while the standard capacity was only for 84,223 inmates. Overcrowding has become a problem for the Thai correctional system during this last decade, and the situation continues aggressively. The effect of overcrowding is not only on the inmate's daily living but also the official's difficulty in operating of custodial measurement as well as treatment programs for offenders.

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II. ACTUAL SITUATION OF OVERCROWDING

A. Prison Population

During this last decade, prison population in Thailand has been increasing dramatically. In certain years, there was a collective royal pardon related to an important occasion of the country; some convicted inmates were released. In 1994, the number of inmates reached 103,329, which was considered as very high. Five years later, the number has doubled and reached 203,702 inmates. Even though there was a collective royal pardon at the end of 1999, the prison population as of March 2000 was 200,310 inmates. Table 1 shows prison population during these last ten years.

B. Main Causes of Prison Overcrowding

- i) The Increase of Drug Offenders:
There are various factors that lead to higher number of drug offenders

TABLE 1

Prison Population in Thailand

Year	Male	Female	Total
1991	81,980	6,071	88,051
1992	68,097	5,212	73,309*
1993	83,523	6,784	90,307
1994	94,776	8,553	103,329
1995	101,130	9,898	111,028
1996	92,353	10,849	103,202*
1997	109,885	16,070	125,955
1998	141,131	23,320	164,451
1999	172,620	32,720	205,340
2000	165,485	34,825	200,310*

* In fiscal years 1992, 1996 and 2000, there were collective royal pardons.

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in Thai prisons.

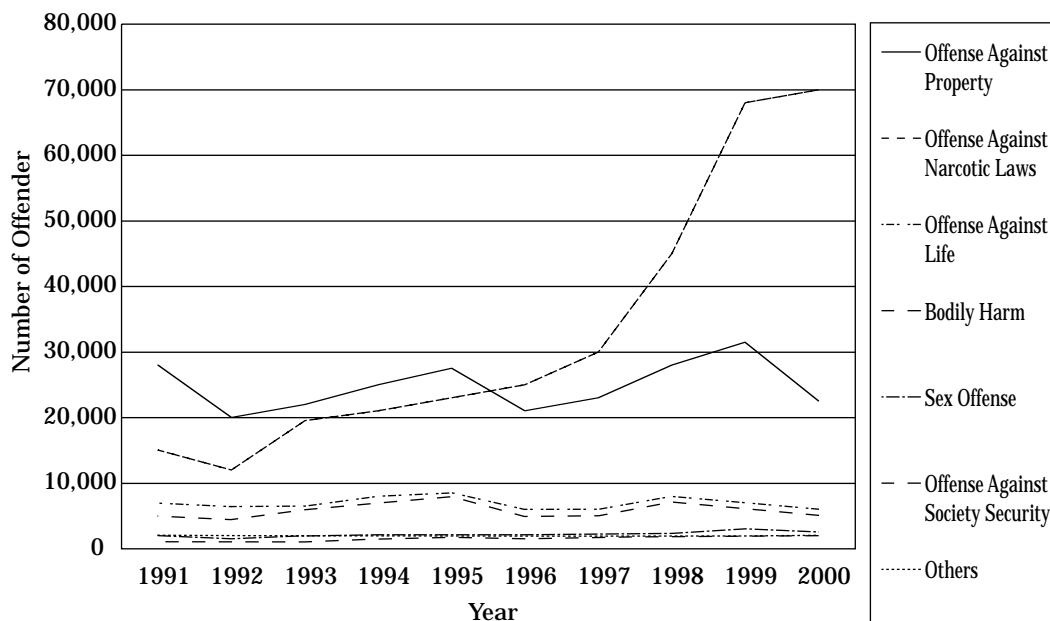
- The government's policy on drug suppression: The suppression strategy is done by the demolishing of drug production sources and by arresting drug users and drug dealers. The main sentence imposed on drug offenders is imprisonment. The more drugs are suppressed, the higher the number of drug offenders. In the past, offense against property was the most common offense in prisons, but since 1996, drug offenses have topped other offense in Thai prisons and have climbed up remarkably fast as shown in Table 2.
- The Public Health Drug Definition: In 1996, the Ministry of Public Health has stipulated

that amphetamines (previously considered as a legal stimulant drug) were illegal drugs on the same level as heroin. Punishment for a possessor or seller of amphetamine shall be as severe as that for heroin. The situation has become catastrophic. Amphetamines are easy to find and have widely spread among various groups of people including students and laborers. Suppression has led to more arrests and more drug offenders in prisons.

- The Prime Minister's Order on Treatment of Drug Offenders: In 1998, the Office of the Prime Minister has issued the order concerning the treatment of drug offenders. It indicated that drug

TABLE 2

Type of Offenders in Thai Prisons



* See original report. This is not the as same as the original due to lack of the number of offenders.

users should receive treatment program while drug dealers should receive severe punishment and should not receive any lenient treatment or commutative pardon. The order has had a direct effect on drug dealers in prisons who shall have to spend longer time in prison than other offenders. Long-term imprisonment is certainly one main cause of overcrowding.

- ii) The Incarceration of Unsented Inmates: Among the total prison population, 38.72 percent are inmates awaiting investigation and inmates awaiting trial. Generally, remandees or unsented inmates are incarcerated in Remand Prison. As for Provincial Prison, there must be a separate section for remandees which had previously been expected as 10 percent of the total capacity. However, at present the number of remandees represents almost half of the total prison population. Most prisons are overcrowded. Some prisons have to incarcerate unsented inmates together with convicted prisoners due to the lack of facilities.
- iii) The Frequent Use of Imprisonment in Thai Criminal Justice System: In Thailand, patterns of punishment vary from fines, forfeitures of

property, imprisonment to capital punishment. Practically, the main punishment is imprisonment. Those who cannot afford to pay a fine shall also have to be imprisoned. Imprisonment could be replaced by probation in case of first-time offense. Compared with probation, imprisonment rate is still very high and is imposed to every type of offenses including petty offense, gambling, offense against traffic laws, etc. The frequent use of imprisonment has simply made an overcrowding situation in prisons.

- iv) The Strict Regulation of Pre-Release Programs of the Department of Corrections: In Thailand, after the imprisonment term is imposed, the Department of Corrections has a responsibility to keep the offenders in custody until the termination of their sentence term. During incarceration, if the inmates show better attitude, good conduct, and their readiness to return to society, the Department of Corrections is empowered to release them prior to their sentence term. Pre-release programs include Good Conduct Allowance, Public Work Allowance, and Parole. Practically, to comply with these three programs, especially parole, the conditions are very strict and quite difficult to obtain. The Department of Corrections has

TABLE 3

Number of Conditional Released Prisoners during the Last 5 Years

Year	Good Conduct		Public Work		Parole		TotalConvict	
	No.	%	No.	%	No.	%	No.	%
1995	14,003	20.57	8,287	12.18	2,088	3.07	68,058	100
1996	17,460	23.62	7,935	10.73	2,109	2.85	73,920	100
1997	17,543	26.85	4,608	7.05	802	1.23	65,336	100
1998	18,670	24.79	5,868	7.79	1,114	1.48	75,320	100
1999	17,671	18.21	6,093	6.28	1,016	1.05	97,027	100

realized that pre-release programs are one good way to solve the overcrowding problem and has tried to promote program implementation, but the number of conditional releases are still relatively low due to the strict conditions. The number of inmates receiving conditional release during these last five years is shown in Table 3.

C. Countermeasures for Alleviating Long Term Detention of Unsentenced Inmates

As for Thailand, it might be difficult to alleviate the long-term detention of unsentenced inmates since there are no facilities for custody apart from prisons. Generally, at every police station, there is a custody cell for unsentenced offenders or detainees. However, most police cells are small, limited in number, and lack of good hygiene. It is necessary to send unsentenced offenders and detainees to be incarcerated in the overcrowded but yet cleaner prisons and correctional institutions.

The basic measurement that would alleviate the long-term detention of unsentenced offenders is bail granting. However, this measurement is practically for those who can afford with their property and may not be affordable for the poorer. The solving of this problem might be done by the change of bail guarantor, which could be honorable persons, working status, or some possible alternatives.

Actually, the most important countermeasures to alleviate the long-term detention of unsentenced inmates are speedy trial, which needs good cooperation from every agency in the criminal justice system. Due to the circumstances in Thailand where there are a lot of arrests as part of crime suppression, the trial cases are too numerous and beyond the capacity

of public prosecutors, judges, or other officials in the system. Consequently, speedy trials are too difficult in practice.

D. Effective Use of Alternative Measures to Imprisonment

- i) The Expansion of Probation Supervising: In order to alleviate imprisonment, it is important that probation be imposed to some certain crimes; so that the offenders can be treated and supervised in their own community. The number on probation in Thailand is relatively low compared to imprisonment. The expansion of probation is considered as one important measure in this issue.
- ii) The Establishment of Alternative Punishment Schemes to Imprisonment: For some petty offenses, there should be appropriate types of punishment rather than imprisonment such as home detention, community redemption work, weekend detention, etc.
- iii) The Establishment of Alternative Punishment Schemes for Drug Addicts: Upon the arrest of a drug offender, the offender should be scrutinized and diagnosed whether he/she should receive the compulsory drug treatment program or imprisonment. Compulsory drug treatment programs may be operated in either a drug treatment center or a boot camp system.
- iv) The Expansion of Community-Based and Aftercare Schemes: It has been recognized that community-based and aftercare programs are important activities in terms of rehabilitation and alleviation of imprisonment. The Department of Corrections should consider changing the regulations that has limited the number of conditional releases. Furthermore, projects on pre-

released in the community should be encouraged, so that pre-released prisoners should be able to stay in facilities situated in the community where they can find jobs and adapt themselves to their society before the termination of their sentence term.

both the relatives and prison staff.

III. ACTUAL SITUATION AND PROBLEMS OF PRISON CONDITIONS

A. Implementation of the Rules in Thailand

a. Food

In Thailand, the budget that the Department of Corrections receives for food of each prisoner per day is 27 Baht (US\$ 00.73). According to Thai Penitentiary Act, food shall be provided to a prisoner at least twice a day. Practically, prisons and correctional institutions serve three meals to prisoners. In case of religious restriction about food like Muslim, proper food shall be prepared for the prisoners.

As for the received budget, the 27 Baht is spent on rice, side dishes and cooking gas. It is very low and does not deem to produce sufficient quality and quantity of food. The Department of Corrections has raised this problem to the government and was approved for the new rate of 32 Baht (US\$ 00.86) per person per day. Unfortunately, due to the economic crisis of the country, the new rate has not yet been equipped.

Practically, every prison and correctional institution has ameliorated the problem of food for prisoners by allowing relatives to bring some food for the prisoners occasionally. However, the bringing of food could be a channel of drug smuggling into prisons. The problem is partly solved by the establishment of store in front of a prison to cook and sell food to relatives in fair price. Food selling is convenient for

b. Clothing

In Thailand, clothing necessity that should be provided to each prisoner consists of:

- Prison Clothes 2 sets/person/year
- Loincloth (Traditional All-purpose Cloth) 1 piece/person/year
- Underwear 2 pieces/person/year
- Towel 1 piece/person/2 years

The above necessity seems to be very limited and might not be sufficient for one's personal use. Nonetheless, the Department of Corrections is not yet able to provide such necessity to every inmate due to the lack of budget allocation. In some prisons where there is garment factory inside, prison clothes may be produced and provided to every inmate on a self-help basis. But this is only an exception. The Department cannot provide sufficient clothing to prisoners. Problem is solved by letting the inmates using their personal clothes. Prison clothes is used only when bringing the inmates outside the prison e.g. during transportation to and from the court and while performing public work in the community.

c. Housing

Housing or facility is one of the main problems that the Department of Corrections has encountered. The unexpected rapid increase of prisoners has brought the overcrowding circumstance, especially during nighttime when the inmates have to sleep tightly in dormitory cell.

The standard capacity of prison in Thailand is set by the calculation of

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minimum sleeping floor space in the dormitory cell. Standard capacity for one inmate is 1 meter in width and 2.25 meter in length, totally 2.25 square meter.

The standard capacity varies when there is a construction of more facilities or the expansion of dormitory cells. In 1998, total floor space was 156,687.00 square meter. The capacity was 69,638 inmate. The prison population was 164,451 inmates and the number beyond the standard capacity was 94,813 inmates. Later on in 1999, there were more facilities and the total floor space was 189,208.42 square meter. The capacity was 84,223 inmates. The prison population was 205,340 inmates and the number beyond the standard capacity was 121,117 inmates. Housing construction seems to be very slow and can never catch up with the rapid increasing number inmates.

So as to solve the problem and to plan for the future, the Department of Corrections has proposed to the government various construction projects, some of which were accepted while some were not. Samples of construction projects are:

- Improvement of Prison Facilities Project: The Department had proposed four projects, two of which have been approved while the other two do not receive budget for operation.
- Construction of Regional Maximum Security Prison Project: The Department had proposed five projects, two of which have been approved while the other three do not receive budget for operation.
- Construction of a Prison to Substitute the Old Prison in Urban Area Project: The Department had proposed 31 projects, 8 of which have been approved while the other 23 do not

receive budget for operation.

B. Factors Impeding Satisfaction of the Rules and Their Effective Countermeasures

In the administration of correctional activity, the Department of Corrections has basically followed the Standard Minimum Rules for the Treatment of Prisoners. Correctional officers at every level shall receive knowledge on the rules through training program. In some aspects, Thai prisons and correctional institutions have treated the offenders better than the stipulated rules, even though in some other aspects it is not able to do so. Considering the preliminary observations of the rules indicating that "In the view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all time. They should, however, serve to stimulate a constant endeavor to overcome practical difficulties in the way of their application", the Department of Corrections is confident in its application responding satisfactorily to the rules. The treatment of prisoners is basically based on the rules and on the suitable circumstances of Thai culture. There is no such thing like the breach of human right or inhumane treatment of the system.

The applicable of the rules in Thai correctional system is impeded in some aspects as follows:

Separation of Categories: The rules indicate that "Untried prisoners shall be kept separate from convicted prisoners." As previously mentioned, prisons responsible for taking in custody of untried prisoners are Remand Prisons or Remand Sections in Provincial Prisons. Due to the rapid increase of prisoners and overcrowding problem, it becomes difficult to separate the untried prisoners, especially during

daytime. During nighttime, separation is likely to be applicable. In some limited facilities such as female section in provincial prison, it is not possible at all to separate untried prisoners from convict ones because of a small scale of the section. The solving of problem is done by transferring convicted prisoners to regional female correctional institutions. The transfer of prisoners can cause trouble because they may be too far from the relatives to pay visits to them.

Accommodation: The rules indicate that minimum floor space should be provided to prisoners. The Department of Corrections has basically stipulated minimum floor space for one prisoner, but due to the overcrowding problem in most prisons, the minimum floor space can not be met.

Medical Services: It is indicated that “At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry.” In this regard, one thing that every government agency in Thailand shares in common is the lack of medical doctors. The cause of this problem is because the production of medical doctors is very limited and a lot of doctors prefer working in private sector to public one. Consequently, the Department of corrections cannot provide medical doctors in every facility. Medical service is available in very few prisons that are equipped with necessary medical facilities.

If the prisoners are sick, either by general disease or mental sickness, they shall be transferred to nearby public hospitals. Sick inmates requiring long-term treatment shall be transferred to Central Correctional Hospital, which is the only hospital of the Department of Corrections.

C. Actual Situation of Health Control for Inmates and Measures for Improvement

There are 133 prisons and correctional institutions throughout the whole country while there is only one hospital with its capacity of 300 beds. In every prison, there is a clinic where basic medical assistance is available. Sick prisoners requiring medical treatment are to be transferred to nearby public hospital and those who need long-term treatment shall be transferred to the Central Correctional Hospital situated in Bangkok. Health control for inmates is conducted by the Medical Services Division and by the Central Correctional Hospital. Two main problematic situations are AIDS and TB.

a. AIDS Situation

Comparing to general population of the country, inmate population has much higher infection of AIDS. A random blood testing was conducted to 400 general inmates in Klong Prem Central Prison in October 1998, it was found that 10 percent of the inmates were infected with AIDS. The number could have been much higher if conducting to drug addicted inmates. The inmates infected to AIDS who are seriously sick shall have to be transferred to the only Central Correctional Hospital, which has its capacity of 300 in-patient beds. This has led to two main problems: overcrowding the hospital and an extremely high death rate.

b. TB Situation

In connection to AIDS situation, one serious disease that follows is Tuberculosis. The death rate from TB has increased. In 1998, 24 percent of sick inmates in the hospital died of TB, having spread the disease to many other inmates beforehand due to overcrowding circumstances. It is found that the statistic of TB infection of the inmate population is ten times higher than the general population. The

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treatment of TB needs at least 6-9 months and should be closely supervised by medical technicians so as not to spread the disease to others. As a matter of fact, keeping the TB infected inmates in custody is considered as an advantage in terms of medical treatment and prevention of disease spreading to people in the community. The problem of Department of Corrections is un-sufficient medical services and inpatient beds to serve the high number of sick inmates.

IV. CURRENT TREND OF PRISONERS AND THEIR PROBLEM

A. Foreign Prisoners and Issues of Their Transfer

a. Foreign Prisoners

At present, the advance of transportation and communication makes the world smaller. The international crime becomes numerous. Looking back 30 years earlier, there was no foreign prisoner in Thai prisons. As of December 1999, there were totally 5,034 foreign prisoners consisting of 4,454 males and 580 females in prisons and correctional institutions all over the country. Among this number, 81.96 percent were Asian, 12.24 percent were from Africa, and the rest of 05.80 percent were from Europe, America and Oceania.

As for type of offense, the most frequent offense is offense against narcotic drug (52.52 percent). The other offenses committed by foreign prisoners are offense against property, against life, false document, others respectively.

In regard to treatment program, foreign prisoners basically receive the same treatment program as Thai prisoners. However, considering that foreign prisoners are serving their time in a place too far from their home, with different language and culture, certain leniency is

given as far as the prison would consider appropriate.

b. Transfer of Prisoners

Transfer of prisoner recalls the resolution 13 adopted by the 6th United Nation Congress on the Prevention of Crime and Treatment of Offenders held in Caracas, Venezuela in 1980. In Thailand, transfer of prisoner is operated in two categories: the transfer of prisoner to serve the remaining sentence term in his/her country of nationality and the transfer of prisoner as mutual assistance in criminal matters.

- i) Repatriation Transfer of Prisoner: In 1984, Thailand has issued "The Legislation on Procedure for Cooperation between States in the Execution of Penal Sentence B.E. 2527." With stipulated provisions, Thai prisoners in foreign countries can be transferred to serve their sentence in the Kingdom, and foreign prisoners in the Kingdom shall be able to continue to serve the rest of their sentence term in their respective countries.

The idea of prisoner transfer had been initiated in 1978 between Thailand and the USA. However, the negotiation and administrative process took periods of time. The first treaty of prisoner transfer between Thailand and the USA was signed in 1982. At present, the operation of transfer treaty is as follows:

- Transfer treaties have been signed and become effective with 13 countries that are: the USA, Canada, France, Spain, Portugal, Poland, Germany, Sweden, Austria, Italy, United Kingdom and Northern Ireland, Finland and Denmark.

- Transfer treaties awaiting ratification with two countries that are: Switzerland and Israel.
- Transfer treaties pending negotiation with seven countries that are: Czech Republic, Peru, The Philippines, Swaziland, Nepal, Estonia and Hong Kong.

ii) Transfer of Prisoner as Mutual Assistance on Criminal Matter: The problems of crimes affect the public security and the economic stability of the country. With the technological development, various crimes start to move across the boundaries of two or more countries. The growth and expansion of transnational crimes stimulate many authorities to improve and implement the measures at international level with the main purpose of punishing the alleged offenders in order to strengthen and lubricate the criminal justice system. Extradition and bilateral agreements on mutual legal assistance in criminal matters are considered valuable tools in the fight against transnational crimes.

In Thailand, apart from “The Extradition Act B.E. 2472”, “The Mutual Legal Assistance in Criminal Matters Act B.E. 2535” is another important legislation. It provides assistance in criminal matters to foreign states i.e. taking the testimony and statement of persons, providing documents, records and evidence for the prosecution of the alleged offenders to the requesting state. The new concept on mutual legal assistance brings about a great success for the effective international cooperation.

According to this mutual assistance transfer scheme, some

prisoners, both Thai and foreign nationalities, have been transferred to another states to be present in the prosecution of some criminal cases. The transfer has shown the attempt of cooperation in criminal justice system at the international level.

B. Drug Related Prisoners

In Thailand, narcotic drug is a problem that has occurred for very long time. The addiction, possession, producing, selling or trafficking of drugs are illegal, and the punishments shall be imprisonment, life imprisonment or capital punishment. Notwithstanding the attempt of the Thai government in prevention and suppression of narcotic drug, the problem has never been diminished from the Thai society.

Thailand may be the only country that provides specific facility to incarcerate drug offenders called “Correctional Institution for Drug Addicts”. The six correctional institutions for drug addicted are situated in different regions of the country. The institution is responsible for the incarceration of drug offenders, both drug addicts and drug dealers. The offenders of other offenses, even though they have history of drug using or drug relating, they shall not be incarcerated in the correctional institution for drug addict. Apart from taking the inmates in custody which is the main responsibility of the Department of Corrections, the institution for drug addicts shall have to provide drug treatment programs for the addicts. As for drug dealers, after conviction, they shall be transferred to other prisons since they are considered as criminals, not drug addicts.

Now that the number of drug offenders in high, the six correctional institutions for drug addicts are not able to intake the whole number. It is necessary to incarcerate drug offenders in various prisons throughout the whole country. At

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present, more than half of prisoners in most prisons and correctional institutions are drug offenders.

Drug treatment has become one important mission of the Department of Corrections. Practically, it is well recognized that after a period of detention, a person can automatically stop using drug. But it is only a physical stop. When the prisoner gets release and return to his own society, he would deem to use drug again, which would cause recidivism. The Department of Corrections has altered the means of treatment program from physical treatment to mental treatment. It has been seven years that Therapeutic Community or TC program has been applied as treatment of drug addicts in prisons.

In order to study TC theoretically and practically, the Department has cooperated with various agencies both in private and public sectors. Correctional officers and concerned staff are trained to handle TC program in prisons. At present, only 6 correctional institutions for drug addicts have handled the TC program, but 70 prisons throughout the country have also handled the TC program to their inmates.

Nowadays, the Thai government has put high emphasis on drug treatment. The target of treatment is not only at drug offenders, but also at offenders committing

other type of crime that have drug-using history. The Department of Corrections has the project of construction of "Drug Treatment Center". The center, which shall be opened in late 2000, will serve as a minimum-security prison that provides TC program and agricultural training program to drug offenders and drug related offenders.

C. Female Prisoners

During this last decade, number of female prisoners has been increasing. In 1992, there were 4,030 female prisoners in prisons and correctional institutions of the whole country, while in 1999, there were 19,235 female prisoners. Comparing to male prisoners, the increase of female prisoners is much higher. In 1999, the ratio between male and female prisoners is 6 to 1. The tendency shows that if the increasing of female prisoners continues in this rate, the number of female prisoners will be equal to male prisoners within the next ten years.

The number of female prisoners might have represented the equality of men and women in Thai society. The actual situation indicates that crime involved not only men but also women, especially drug offense. According to the statistic, it is found that, in 1999, among the total number of convicted female prisoners, 13,314 or 69.22 percent has committed

TABLE 4
Type of Offense of Female Prisoners (as of 1999)

Type of Offense	No.	%
Offense Against Property	4,604	23.93
Offense Against Drug and Inhalant Laws	13,314	69.22
Offense Against Life	308	1.60
Bodily Harm	120	0.62
Sex Offense	77	0.40
Offense Against Social Security	10	0.05
Others	802	4.17
Total	19,235	100

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crime against drug laws; as shown in Table 4.

Looking backward into the last ten years, it is found that the number of female

prisoners who have committed drug offense has been doubled. In 1990, there were 1,815 female drug offenders, which represented 39.39% of the total number. While in 1999, the number of female drug

TABLE 5
Number of Female Prisoners During the Last Ten Years

Year	Female Prisoners	Drug Offenders	%
1990	4,609	1,815	39.39
1991	4,929	1,960	39.76
1992	4,030	2,130	52.85
1993	4,593	2,765	60.20
1994	5,409	3,230	59.71
1995	6,519	4,167	63.92
1996	6,401	4,629	72.32
1997	8,855	6,857	77.44
1998	12,808	10,046	78.43
1999	19,235	13,314	69.22
2000	32,662	17,346	53.11

offenders has reached 13,314 prisoners or 69.33% of the total. The details are shown in Table 5.

It can be said that Thai women have committed more crime, especially crime against drug and against property. As for serious crime such as offense against life and bodily harm, the number remains unchanged. This has represented participating roles of women in Thai society, which have led to chances to commit crime concerning property, financial activities and illegal drugs.

V. CONCLUSION

As people commonly say, "If one wants to know what the country is like, one should look at the country's prison". The administration of corrections in Thailand has definitely reflected the country's social and economic problem. People have a fear of crime and wish that every wrongdoer be kept away and expect that prisons should

rehabilitate every single criminal before releasing him back into the society. All criminal justice agencies are effected by this public attitude and are trying their best to encounter the situation. Corrections, which is the last agency in criminal justice system, has to be responsible for the increasing number of offenders. Overcrowding, prison conditions and rehabilitative treatment programs have become heavy burdens for correctional officers. The solving of these problems can not be done by the Department of Corrections alone. Governmental bodies including criminal justice agencies shall have to reconsider and cooperate in ameliorating the problem.