

**PROBLEMS AND LIMITATIONS IN THAILAND'S PAROLE
SYSTEM : A CASE STUDY OF TOP ADMINISTRATORS
IN THE DEPARTMENT OF CORRECTIONS**




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Wanippol Perchpolcharoen

**PROBLEMS AND LIMITATIONS IN THAILAND'S PAROLE SYSTEM:
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ABSTRACT

This study was designed to investigate problems and limitations occurring in the parole system in Thailand and to propose guidelines and improvements of proper parole for existing Thai society. Parole is considered a treatment of offenders by noninstitutional treatment, which the Department of Corrections had been using consistently for a long time. In-depth interviews were used in data collection to supplement the structured interviews. Top administrators from two groups, i.e. seven central administrators and six regional administrators under department of corrections, were the study population.

It was found from the interviews that there were six problems and limitations in the parole system in Thailand, as follows:

1. The qualifications for parole concerned meeting the criteria and did not address helping long-term inmates achieve parole.
2. The probation officer must go to the inmates home in the countryside where it not easy to learn about the inmate's background.
3. Gathering the documentary evidence causes delays in processing because external documents are required -- not only copies of the verdict, proof of identity from the Demographics Department, but also records of offenses from the Department of Criminal Records.
4. In the past the Department of Corrections was assigned the probation jobs. But now the Department of Probation does it. But this department is mostly female. Male inmates are reluctant to give background information to female.
5. There are not enough parole personnel.
6. After the inmates leave prison they must go back home. But the people there don't accept them and are prejudiced against them.

Recommendations and Remedy: Promotions should be revised and the Parole Committee should be diversified. The network of documentary evidence should be connected with other departments by internet. Personnel, budget, and technology should be improved, and the understanding of relatives and the community should be promoted.

KEY WORDS : PAROLE SYSTEM / CRIMINAL PAROLE / PAROLEE
PREJUDICE / CRIMINAL JUSTICE SYSTEM

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ปัญหาและอุปสรรคการดำเนินการพักการลงโทษในประเทศไทย : ศึกษาเฉพาะผู้บริหารระดับสูงของกรมราชทัณฑ์ (PROBLEMS AND LIMITATIONS IN THAILAND'S PAROLE SYSTEM: A CASE STUDY OF TOP ADMINISTRATORS IN THE DEPARTMENT OF CORRECTIONS)

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บทคัดย่อ

การวิจัยนี้มีวัตถุประสงค์เพื่อศึกษาถึงปัญหาและอุปสรรคที่เกิดขึ้นในการดำเนินงานพักการลงโทษของประเทศไทย ตลอดจนการเสนอแนะแนวทางและการปรับปรุงแก้ไขการดำเนินงานพักการลงโทษที่เหมาะสมกับสังคมไทยในปัจจุบัน ซึ่งการพักการลงโทษถือเป็นวิธีการปฏิบัติต่อผู้กระทำผิด โดยไม่ใช่เรือนจำที่กรมราชทัณฑ์ได้ใช้มานานและสม่ำเสมอ การวิจัยครั้งนี้ใช้วิธีการเก็บรวบรวมข้อมูลโดยการสัมภาษณ์แบบเจาะลึก ใช้กรอบการสัมภาษณ์เชิงโครงสร้าง กลุ่มประชากรเป้าหมายเป็นผู้บริหารระดับสูงของกรมราชทัณฑ์ มีกลุ่มตัวอย่างจำนวน 2 กลุ่ม คือ กลุ่มผู้บริหารในส่วนกลาง 7 ท่าน และกลุ่มผู้บริหารในส่วนภูมิภาค 6 ท่าน

ผลการวิจัยที่ได้จากการสัมภาษณ์ผู้บริหารระดับสูงของกรมราชทัณฑ์ พบว่า ปัญหาและอุปสรรคการดำเนินงานพักการลงโทษในประเทศไทย มีอยู่ 6 ประการด้วยกัน ดังนี้

1. ปัญหาเรื่องคุณสมบัติของนักโทษที่จะได้รับพักการลงโทษ มีปัญหาในการปฏิบัติตามหลักเกณฑ์ และไม่เอื้อประโยชน์ต่อนักโทษที่ได้รับโทษจำคุกยาว
2. ปัญหาเรื่องการสืบเสาะ ซึ่งปัจจุบันเป็นหน้าที่ของกรมคุมประพฤติ มีปัญหาในเรื่องของสภาพพื้นที่ที่ไปสืบเสาะและการไม่ยอมรับผู้ต้องขังเข้ามาสู่ชุมชน
3. ปัญหาเรื่องเอกสารหลักฐาน เป็นปัญหาที่ส่งผลให้เกิดความล่าช้าในการดำเนินงาน เพราะจำเป็นต้องอาศัยเอกสารหลักฐานจากหน่วยงานภายนอก ไม่ว่าจะเป็นเอกสารสำเนาคำพิพากษาของศาลยุติธรรม หลักฐานการพิสูจน์ตัวบุคคลของกองทะเบียนราษฎรและหลักฐานประวัติการกระทำผิดของกองทะเบียนประวัติอาชญากร
4. ปัญหาการโอนงานคุมประพฤติไปอยู่กรมราชทัณฑ์ เป็นปัญหาในช่วงระยะหัวเลี้ยวหัวต่อในด้านการประสานงาน ปัญหาที่กรมคุมประพฤติดูแลคนหลังออกจากคุกที่มีโทษสูง และปัญหาเกี่ยวกับการดำเนินงานกับผู้ต้องขังผู้ชายของพนักงานคุมประพฤติที่ส่วนใหญ่เป็นผู้หญิง
5. ปัญหาเรื่องบุคลากร เป็นปัญหาที่กระทบต่องานแทบทุกส่วนของงานราชทัณฑ์ โดยเฉพาะในเรือนจำ ทำให้การดำเนินงานพักการลงโทษทำได้ไม่เต็มที่
6. ปัญหาเรื่องการขาดความร่วมมือและให้การสนับสนุนของผู้รับอุปการะ ชุมชน และสังคม โดยผู้รับอุปการะไม่รับอุปการะ สำหรับชุมชนและสังคมมองการพักการลงโทษในแง่ลบว่าเป็นการปล่อยผู้ต้องขังออกมาเร็วเกินไป อีกทั้งการมีอคติต่อผู้ได้รับพักการลงโทษ

ข้อเสนอแนะและแนวทางแก้ไข ควรปรับปรุงในเรื่องการเลื่อนชั้น การขยายคณะกรรมการพักการลงโทษให้มีความหลากหลาย การจัดการเอกสารหลักฐาน โดยเชื่อมโยงทางเทคโนโลยีกับหน่วยงานภายนอก การเพิ่มอัตราคลังเจ้าหน้าที่ การเพิ่มงบประมาณและเทคโนโลยีและการสร้างความเข้าใจให้กับผู้รับอุปการะ ชุมชน และสังคม

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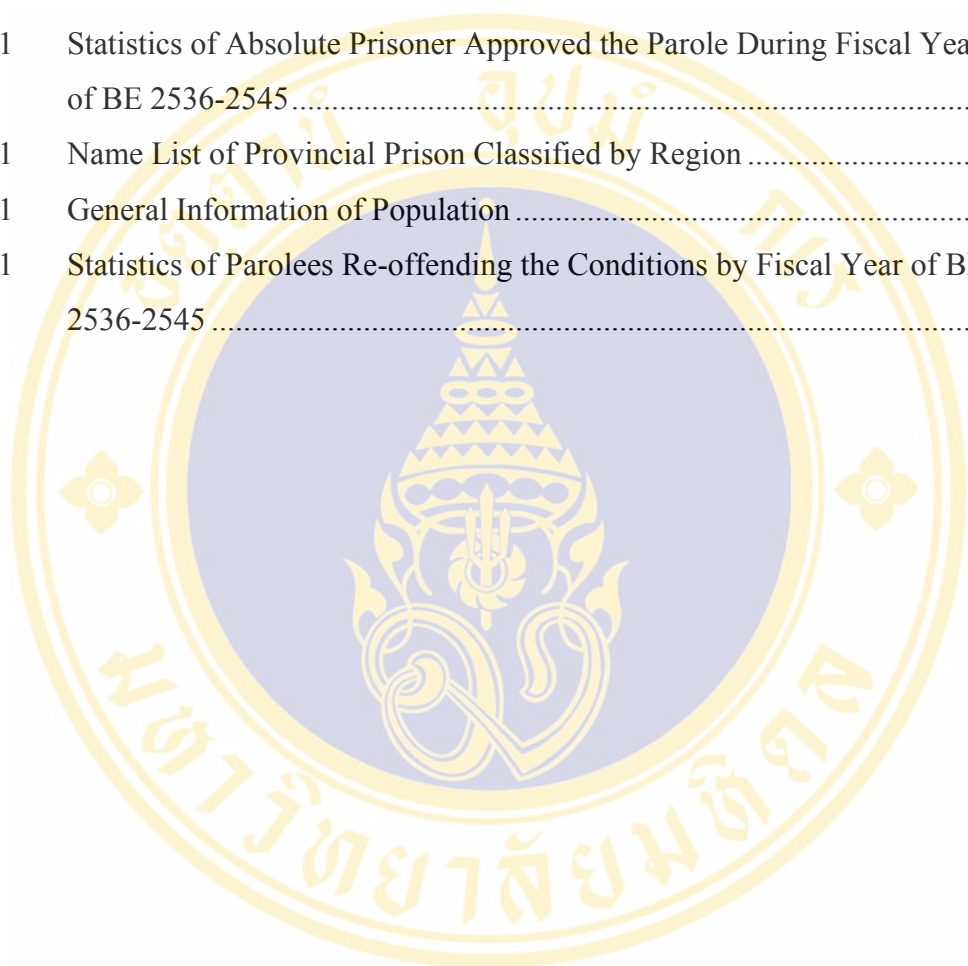
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CHAPTER I

INTRODUCTION

1.1 Nature of the Problems

At present the Criminal Justice of Thailand is critical. Rationally, the mechanism of the criminal justice is immobile on the basis of surplus numbers of prisoners. Such problems affects the whole system of the criminal justice regarding budget, personnel, administration, and justice prudence causing capital offenders and unintentional offenders have been similarly treated. It becomes the limitations in corrections and releasing prisoners to reduce congestion again causes problems to the criminal justice and societies.

Such problems are the results of over applying the institutional treatments as measures of punishment of offenders. It is the violent and torturing returns even less brutal than execution when offenders could immediately annihilated from societies. However, a period of confinement is the cease of liberty and totally extradited from society. Normally, common people wish no appearance in court and are finally punished by imprisonment. Some prisoners are frustrated in future to cope with life even how much good deeds are performed; they cannot purify their offense though some have done unintentionally. Some performed by tempering, some by retaliation over cause of being afflicted. It is remarked that how many inmates or pensioners intentionally offending or realizing punishment to be deserved. (Nuanchan Tassanachaikul. BE 2532:372). The institutional treatments reflect effects of both offenders and societies in general in many aspects. Therefore, a non-institutional treatment is proposed later to discard or deviate offenders from the criminal justice, which will benefit the prolong social protection.

The Parole is counted one to the methods treating offenders without using an institutional correction to treat offenders in the community rather than imprisonment. It is to allow an absolute prisoner who has spent sometimes in prison being selected

for release before completion of terms under the probation and supervision till the terms is fulfilled.

The parole is effective in rehabilitating individual absolute inmates by the committee with fair handling. It is positive to the prison administration and treating inmates. It counts to be the opportunity allowing absolute prisoner's parole and having good relation with family as well as normally raising their families. Also, it is the opportunity of the prison officers to screen the absolute prisoner, checking their records and backgrounds in details as well as close surveillance of their behaviors, which will derive at positive results of crime protection rather than imprisonment. Rationally, from the comparison of statistics recurring offenders imprisoned with parole, it has been found that imprisonment causes more recurring offense than parole as punishment.

Even parole has long been used in Thailand or since BE 2479 under the Corrections Acts, but the implementation has been few. After having been some developments, parole was implemented more extensively. Still few parole for absolute prisoners are approved as follows:

Table 1-1 Statistics of Absolute Prisoner Approved the Parole During Fiscal Year BE 2536-2545

BE	No. of Absolute Prisoners	Applicants for Parole	Approval	Percentage of Approval
2536	90,307	1,720	1,282	1.42
2537	103,329	2,367	2,088	2.02
2538	111,028	2,572	2,114	1.90
2539	103,202	1,325	805	0.78
2540	130,997	1,731	1,114	0.85
2541	164,451	1,607	1,016	0.62
2542	203,702	1,440	1,071	0.53
2543	223,406	931	703	0.31
2544	250,903	2,595	1,837	0.73
2545	245,743	3,670	3,166	1.29

Source: Division of Parole, The Department of Corrections

Notes: BE 2542 with Royal Amnesty

Contemplating statistics of parole above, it is observed that during 10 years of parole, it is so restricted, which cannot meet the solution of reducing congestion in prison as well as developments in general.

With the significance of parole toward the criminal justice, the researcher being a graduate student in the Program of Criminology and Criminal Justice, Faculty of Social Sciences and Humanities, Mahidol University, who has studied the theories of criminology and criminal justice found that it is justified to conduct research to investigate problems and limitations of parole as well as remedy. The investigation is conducted with top administrators in the Department of Corrections for analyses, which will be come guidelines in developing and improving parole for better effectiveness and to further meet the criminal administration based on theories and scientific concepts.

1.2 Research Objectives

1. To study related documents of parole in details on its every process
2. To interview top administrators in the Department of Corrections to realize problems and limitations as well as guidelines for parole remedy.
3. To propose remedial guidelines and improvements of parole appropriate to the existing Thai societies.

1.3 Research Framework

This investigation is focused on studying problems and limitations of parole for the purpose of sparking g its development via interviewing top administrators of Department of Corrections. Population is divided into 2 groups, i.e.

Group of Central Administration

1. Deputy Director General of Technical Affairs
2. Deputy Director General of Administrative Affairs
3. Director, Bureau of Crime Corrections
4. Director, Bureau of Penal Administration

5. Director, Bureau of Rehabilitation
6. Director, Division of Parole
7. Chief, Division of Parole

Group of Regional Top Administrators contains 6 Commanders from following regions:

1. Commander of Nan Prison
2. Commander of Petchabun Prison
3. Commander of Nakhon Panom Prison
4. Commander of Si Sa Ket Prison
5. Commander of Samut Sakhon Prison
6. Commander of Chumphon Prison

So as to know the concepts and comments related to parole in Thailand, problems and limitations as well as supports and technical arguments leading to improvements of parole including solutions will be sustainably gained. Population is therefore divided into 2 groups to cover all concepts, policy and implementation per se.

1.4 Definition of Terms

For mutual clarification and understanding definition of terms are defined as follows.

Problems and Limitations are referred to different impediments barring parole to achieve policy and objectives of the Department of Corrections.

Parole is referred to the process of releasing absolute prisoners imprisoned in the prison or the institutional penitentiary for some periods to be freed and going outside the prison before the completion of terms under the conditions of probation and supervision of parole officers or probation officers during the period of parole.

Probation Officer is referred to parole officer-supervising inmates of approved parole to follow the conditions.

Criminal Justice is referred to the state of affairs to provide justice for citizen being charged of “lawsuits”. Also, “Lawsuit” is referred court prosecution through an

organization or an institution beginning from police, public prosecutor, lawyer, court, and corrections.

1.5 Research Conceptual Framework



1.6 Assumption

Solution of problems and limitations of parole will provide positive effects for criminal justice system as a whole and being able to return to family, community and society in general.

1.7 Basic Research Agreement

Results of data collections containing interview of top administrators in the Department of Corrections will be orderly attached in the Appendix as referred in Chapter 1.3. Terms of “ Document No...” is replacing “ the Interview of...” as follows:

- | | |
|----------------|---|
| Document No 1. | Deputy Director General of Technical Affairs |
| Document No 2. | Deputy Director General of Administrative Affairs |
| Document No 3. | Director, Bureau of Crime Corrections |
| Document No 4. | Director, Bureau of Penal Administration |
| Document No 5. | Director, Bureau of Rehabilitation |
| Document No 6. | Director, Division of Parole |
| Document No 7. | Chief, Division of Parole |
| Document No 8. | Commander of Nan Prison |
| Document No 9. | Commander of Petchabun Prison |

Document No 10.	Commander of Nakhon Panom Prison
Document No 11.	Commander of Si Sa Ket Prison
Document No 12.	Commander of Samut Sakhon Prison
Document No 13.	Commander of Chumphon Prison

1.8 Expected Benefits

1. To know related documents of parole in details on its every process
- 2 Results of interviews of top administrators in the Department of Corrections help realize problems and limitations as well as guidelines for parole remedy.
3. To gain remedial guidelines and improvements of parole appropriate to the existing Thai societies.
4. To gain beneficial results for criminal justice and Thai societies as well as references for further studies.

CHAPTER II

LITERATURE REVIEW

Information related to research has been collected and presented as follows:

2.1 Concepts of Punishment

2.2 Concepts of Handling Offenders by Using both Institutional and Non-institutional Treatments

2.3 Concepts of Parole

2.4 Related Researchs

2.1 Concepts of Punishment

2.1.1 Theory of Punishment

State punishment can be divided into 2 major theories, i.e. the Retribution Theory and the Utilitarian Theory. The first views the past by vindication, while the latter involves punishment as result-ended in the future.

2.1.1.1 Retribution Theory

Fair punishment by principles of retribution theory must contain 3 following conditions

1. Vindication is referred to the righteousness of punishment must be imposed for the purpose of either compensation or revenge for the victim on damages caused by offending. Further, it must satisfy the victim and be enough fair.

2. Fairness: This theory views individual duty as politics and semi public treaty called Reciprocity. It is based on the principles that laws must protect common

peace and all must respect and follow. Each offense of criminal laws is meant that offender take advantages others who abide in laws. Offenders therefore must be subject to lawsuit and those who gain advantages from laws by offending must be punished.

3. Proportionally of punishment: It is viewed by this theory that volume of punishment must be equal to damages caused by the offender. However, there are 2 exemptions, i.e. in case of punishment is possibly exceeding damages and life imprisonment is feasible to be imposed on offenders who are noxious to society for better social security. On the contrary, punishment can be proportionally lower than offense. It is in the case of an offender has no opportunity to return to offend, reduction or suspension of punishment should therefore be merit and must be under probation conditions. (Narong Jaiharn, BE 2542:7-8)

It is concluded that, the retribution theory is attempting to implement concepts of vengeance, which is the underlying concept of humanity to be integrated with the present justice. It proposed that punishment by vindication for victim or to satisfy victim, and to emphasize all to believe and follow laws is counted the social debt bond.

2.1.1.2 Utilitarian Theories

It views human societies and the criminal laws into 3 natures. First, human being attempts to seek satisfaction and avoid pain. Second, society should follow the principle of absolute benefit for most social members. Finally, with involving criminal laws, the examination of offending severity should be based on damages caused to society.

The concept of punishment in this theory is based on the Greek and consistently developed till present. The effective punishment based on this theory must be subject to the following criteria.

1. Punishing offenders is not aiming to punish the past offense. It is rather to prevent the offender or others to commit new offense.

2. In other words, the punishment is just if it is imposed for the future offending.

3. Punishment as prevention-based is for warning offender or others to be aware of results of law violation. Law providers must therefore deliberate results of punishing methods that they can prevent offenses in general rather than only deterring the offender.

4. Punishing offender must deliberate the absolute benefits gained offered by the state similar to others. Offenders must be therefore rehabilitated on their existing anti-social that they can peacefully live among most people in society.

5. Fairness of punishment is unlikely severity as in the past, rather, it is based on humanness. (Narong Jaiharn, BE 2542:10).

Following details are the 3 benefits of the Utilitarian Theories

1. Deterrence: The first benefit is the deterrence of offending in the future. It affects offenders and common people thinking to offend. Therefore it is the Specific Deterrence, which fears offenders not to similarly offend again, while the general deterrence is referred to punishing offender as example to common people or those who think to offend so that any offender will be punish as such. It will also affect people fearing to offend. Such implementation is called, “killing to threaten” (slash the cock for the monkey) (Narong Jaiharn, BE 2542:12).

2. Reformation and Rehabilitation: It is directly for the offender and does not meant for others aiming to reform or rehabilitate offender to lessen anti-laws and to agree to follow laws as well as deterring oneself not to any more think or even offend. Results of this punishment are similar to the specific deterrence because it aims aerate not to offend again. Meaning, threatening by severe punishment fear and chasten offender upon recalling punishment imposed and its effects. However, the rehabilitation is a tool to allow an offender accepting that offending is unjustified and able to choose following laws rather than offending. (Narong Jaiharn, BE 2542:14).

3. Incapacitation: It is to immobilize offender to return to offend and to secure the society from the offender. Even, the offender fearing punishment or under punishment, must be incapacitated. It is to indefinitely provide no chance of offending, such as execution, extradite, or imprisonment with terms to ensure that the offender is not anymore endangering society.

It is concluded that the Utilitarian Theories reject retribution theories or to cure the past damages, which is the foundation of retribution theories but rather than to emphasize future results in punishing. It is either meant to reduce crime counting that punishment is a method to fear offender in offending and to fear others to deserve the similar fate or to reform, and to rehabilitate offender or to incapacitate offender.

2.1.2 Rehabilitation

It is to prevent offenders return to offending as well as deterring./ This theory is the most recent punishment. Some observed that the terms “punishment” should be replaced by “treatment”. Rationally, agonizing offenders is unlikely turn them better behaving.

Major rehabilitation implemented in different countries are as follows:

1. Attempting to avoid an offender from encountering what will be harmful to its identity. Rationally, being imprisoned will at least depreciate its status and fame before the eyes of others. It is unlikely to transform oneself. Significantly, even with chance to reform but being coalescent other crime professionals, the influences of the latter will overshadow the former. Rationally, human is easy to become worse rather than better, which affects the viable to be curtained from rehabilitation. Preventive methods are:

- 1.1. Releasing offenders without imprisonment, i.e. having laws coded that the court can discern suspension of punishment against offenders. It means that after ruling out guilty, the court does not specify punishment at the moment that on the terms of imprisonment but freeing defendant on the conditions that the defendant must not offend the same offense under specific period. If the defendant does not offend, the suspending punishment will also be acquitted. But if the defendant offend under within the term, the court will impose punishment accumulating with the punishment of the latest offense. Suspending punishment is similar to waiting for specifying terms of punishment. The difference is the court specifies definite punishment but does not imposing. Therefore, if a defendant happens to offend again within the specific period, the court will impose the definite punishment specified in

associate with the punishment determined for the latter offense at the same time without necessity to reexamine. During the period of suspending punishment, the court may demand the defendant under the probation such as reporting oneself to the officer to be questioned or guided or cautioned in relation to behaving and career and so on.

1.2 Release after imprisonment: Even the court rules imprisonment for the offender to encounter the situation of self-identity destruction but allowing the defendant to face short period influence by allowing the defendant to be released before such influence viable. It is to authorize officer to release before the terms if it were proper seeing that to further live but to depreciate had imprisonment been extending, and the release is harmless to society. However, this method exempts some critical crime such as intent homicide. The release before term is likely subject to condition to temporal probation after being released.

1.3 Classifying prisoners: Ill-effects of homing different kinds of prisoners may be reduced if different kind so prisoners are homed to different institutions or by zoning in the same prison to bar association such as separate youth from adult, first-time offenders from redundant, and likely innocent offenders from the devilish.

2. Reforming Prisoners during Imprisonment

2.1 Career Training: If it were true according to the claims of criminologists that poverty is the cause of crime and it is likely coming from unable to earn a living by inadequacy of professional skills. Therefore, career training should perfectly prevent offending. Whereas it is beneficial for non-offenders, it should also not be less beneficial in terms of preventive tools for society to return to offend. With knowledge of occupation, then after release, they will have opportunity to honestly exploit knowledge and increasing opportunity not to return to offending. Exploiting prisoners working has been prolonged implementing but as part of punishment. Meaning, forcing to work those prisoners will realize distress. When exploiting aims at such objective then there is no significance in exploiting any works only if it is tough and suffering job even useless ones. Later, the objective changes to allowing prisoner not to be preoccupied with devilish brooding for the purpose of supervisory convenience. If more free time has been allowed, the prisoners are likely to spend of planning for escape or other offenses. Allowing prisoners to work by objective is to

preoccupy them but not attentive to what job is fruitful to them. At present, it is seen that there should be objective-based work for occupation so that they can be exploited after release. Therefore, job arrangement should be reflected whether it is appropriate and useful to each prisoner.

2.2 General Studies: Educating prisoners is part of leveraging their capability for ones earning after release. Rationally, they must compete in job seeking after release and only well educated persons will be more advantageous.

2.3 Moral and Religious Training: The rehabilitation theory has been focused on not returning to offend allowing the person bears self-responsibility that doing wrong is immoral and must be denounced. It is not to create fear of offending and being punished like the theory of deterrence. It sees that practically it only causes offenders trying to find least chance of being arrested. Therefore, the moral and religious training is one of the keys in following the rehabilitation theory.

2.4 Medicare: Some criminologists comment that all offenses are caused by physical and psychological deviation. The real effectiveness in prevention is therefore providing Medicare for offenders rather than other preventive methods such as punishment, which is fruitless. Actually, there are no evidences proving offenders in general are differed either physically or psychologically from common people. However, many of the similar nature have not offended. Nevertheless, even if we reject justified comments of these criminologists, there are some cases caused by physical and psychological deviations, which can be improved. In such cases, there should be treatments either by medicine or by operations to block causes of returning to offending.

3. Assistance after Release

Newly released persons require guidance in living and assistance in job seeking. Significantly, they need money for pre-expenses prior to job placement and earnings. If this has not been fulfilled, even being released and determining to live an honest life, they would have again return to dishonesty. Some prisons provide fund for loan to start a new life and guidance for job seeking.

Five observations for Rehabilitating Method

First: The rehabilitation theory is focused on offenders rather than common people who might later offend. Therefore, if it is implemented there is no

motivation for common people not to offend. This is the reason for second punishment that it ensures that the rehabilitation can differently prevent returning to offend in each case. For example, for the first time offending with immediate impulsion, the rehabilitation is likely more successful. But other of redundant offending or the criminals by profession are normally unlikely to become good citizens. Therefore, with those ever offended, the rehabilitation cannot ensure of not returning to offend in every case.

Limitations in implementing the rehabilitation are many. Significantly, in general, when there is at least an offender and found, people feel retribution with severe punishment. During such tempering, it is hard to persuade people realizing vitality of the rehabilitation and public census are critical to decision how to handle the offender. Rationally, public census in general discards real values of the rehabilitation, which become the barrier to widely implement such methods unless training and campaign for concordance among public.

Second: Implementing the rehabilitation to be effective by allowing officers who are well-informed to be thoughtful rather than imposing punishment either for retribution or for deterrence. Rationally, deterrence requires no awareness why offenders have either to offend or return to offend. These problems are discarded when discerning by deterrence on account of punishment imposed is not to allow other to imitate. Even, offenders will not return to offend, still there is punishment imposed for deterring others. It is unnecessary to think of causes of offending. If we exploit the rehabilitation, it requires reconsidering each problem of each person to discern each treatment to each offender. Treatments are flexible and properly changeable to each offender. Therefore, not only it requires high quality penitentiary staff but also tough job for them to handle. There is channel that the rehabilitation is unlikely implement. Also, problem is whether can we recruit adequate staff with quality and number to effectively implement the process.

Third: Reflecting the existing prisons and confinement, it is observed that they are proper for retribution and deterrence rather than rehabilitation. Rationally, the existing prisons are mostly large size housing many prisoners which different treatments are improper and hard for individualization. Large size prisons there are relatively to factory. To be effective in preventing mishaps among numbers

of prisoners, it requires regulations and obligations to strictly treating them not to out-tracking. Individualized treatment is proper when there are less number of prisoners allowing them to individually behave securely.

Fourth: To improve for better effectiveness, it should realize the job for prisoners to work by allocating proper jobs for each of them rather than presently organizing proper job for the prison to each of them. Each prison manufactures different products by exploiting prisoner force. The existing practices is to select manufacturing meeting official revenue rather than merits of rehabilitation.

Fifth: The principles of Bentham called Principle of Less Eligibility is referring to common sentiment that punished offenders contradict society. They deserve no special benefit than non-offenders. Rationally, it is unfair when offending but gaining better benefits than others. Actually, offenders deserve fewer benefits than others. This sentiment is simple to understand but contradictory to rehabilitation exploited in prison as stated. To really rehabilitating, we have to seek job and fund to initially subsidize them after release. Discarding them with a suit of dressing and money, chances to return offending is likely if there is no relative or friends to support with no honest earning. Job-seeking and fund especially for them contradicts the sentiment of common people based on principle of Bentham. Therefore, we select the first treatment, i.e. training and campaigning for people to see the benefits of rehabilitation even it pays more to offenders rather than the others.(Uttit Saenkosik, BE 2515:46-54)

2.2 Concepts of Handling Offenders by Using both Institutional and Non-institutional Treatments

Treating offenders have been divided into 2 natures, i.e. the institutional treatment and the non-institutional treatment.

2.2.1 The Institutional Treatment

It is to confine offenders in prison. Formerly, it emphasizes retribution and deterrence. Later, it emphasizes reforms to return to society. Model and activities in prison have then been changed from strict custody to rehabilitated activities such as educating, career training, and welfare provisions. Offenders entering prison will be specially supervised called treatments.

Treating prisoners is referred to process of handling inmates constant to admission till release. Therefore treating them covers in forms of service, corrections, and custody to stay in discipline not to allow any escapes.

Treatment contains 3 stages as follows

1. Admission

It is the first stage in treatment process counting from admission from court warrant, authorized order and managing belonging property, classifying imprisonment, zoning, transferring, orientation on regulation, and how to behave during imprisonment in prison or in penitentiary house. Such duty is to focus the new comers being fairly treated as well as realizing regulations and able to adapt oneself to the prison conditions.

2. Treatment during Term of Imprisonment

This stage includes corrections and services for prisoners such as food, Medicare educating, career training, facilitating for the highest benefits of the prisoners. These services, even they are indirect but they are supportive to effective custody. It allows prisoners being fairly treated and spends fruitful leisure, which affect the custody. The direct custody relates to disciplinary, custody, on guard, custody measures in prison, and custody measures outside prison.

3. Release

Custody ends when there is release, which is the final duty treating prisoners. The released are classified into 4 types for the virtues of later pursuing.

3.1 The suspended of punishment under probation: They likely have no problem returning to society since being screened, searched and certified and having society and family to support.

3.2 Retrench of imprisonment or unconditional acquit and having no problem returning to society: They are quite big numbers, who offend erroneously, ignorantly, and impulsively. They may be educated, having career, relatives, families and likely have no problem to return to society.

3.3 Retrenched terms of imprisonment merited unconditionally, and having no problem returning to society: Those who are released without probation or only self-reporting> If they are uneducated, lack of professional skills, no relatives, no shelter, lack of good friends, they will be problematic in returning to society and they need special care.

3.4 The Acquit Born Criminal: They are professional criminal, theft, snatcher, gang robbery, total robbery, hired gunman, car thief and charlatan. They are most problematic when returning to society. They will be rejected and they reject hardship and honest earning.

Handling offenders using institutional; treatment and correctional institutions under the Department of Corrections is witnessed in Appendix B

2.2.2 The Non-Institutional Treatment

Non-institutional Treatment Is referred to measures of treating other offenders rather than imprisonment, which can be divided into 3 levels, i.e.

Level 1: The offender does not entry into any process of criminal justice and being propelled away. It is to avoid or deviate the offender from the criminal justice by allowing the private sector to handle the offender rather than the police such as

exploiting county court, or social welfare measures under the units of welfare for the offender.

Level 2: The offender has advanced some procedures of the criminal justice but having been propelled or deviated under the measures of deviating imprisonment. Such models are:

1. The Suspend Punishment by probation or the probation system, which is the measure of deviating imprisonment turning to treat an offender in a community when the court sees that an offender has offended but yet improper to be punished by imprisonment. Therefore, the suspend punishment is ruled under the custody of the probation officers in some period and conditions demanded by court. And, had any probation conditions not been transgressed, the offender would have been freed or otherwise encountering punishment as termed in suspend punishment.

2. The Suspend Prosecution is a measure to deviate imprisonment by suspending or delaying a period of prosecution. It is to propel an offender from the criminal justice at the level of the public prosecutor by discretion to some types of offenders without prior criminal intention or by ignorance, by negligence, or by necessity pressed by environments. Prosecuting these offenders will harm offenders and their families in future. The suspend prosecution is therefore imposed under the conditions such as a periodic detention. Had no transgression been committed, the offender would not have been met with prosecution or otherwise with the new offense charges. Such practices are used in the United States of America, Taiwan, Korea, and Japan but unfound in Thailand.

3. The Periodic Detention or Weekend Imprisonment is the treatment imposed to the offender by detaining in the Periodic Detention Center.

The Periodic Detention Center works on Saturdays and Sundays when the inmate is required to report at 19.00 Hours and will be released on the evening of Sundays that the inmate is able to normally live with family. And, it is the same to every weekend till punishment has been deserved. Usually, it is not less than 3 months and not exceeding 12 months terms.

During this weekend, the inmate must work both inside and outside the detention center, which is the community work such as cleaning, or improving places in the hospital, aged centers, schools, or public places to compensate the society. Such

practice is never found in Thailand but popular in Australia, New Zealand and some countries in Europe.

4. The Halfway House is similar to normal residence containing 2 types of In Halfway House and Out Halfway House. The In Halfway House is located between the prison and society. It is the shelter demanded by court. The Out Halfway House is unlike the shelter preparing for release but located among the community of inmates at point of release or being released to allow inmates learn and being educated social living style under regulations and being advised by officers of the House. The residents of the Out Halfway House must go out to work or being the job seeker recommended by the officers. They must return in the evening. This practice has been implemented in many countries with different names.

A Halfway House or “ Ban Sawaddee” has been established in Thailand located in front of Bangkok Special Prison and more than 30 Halfway Houses located in different provinces nationwide. Rationally, to provide welfare for the released and whose punishment is suspended their objectives are as follows:

- 4.1 Providing food and temporal shelter
- 4.2 Providing fare and allowances to return home
- 4.3 Providing necessary consumption devices and medical treatments
- 4.4 Providing job-seeking by coordinating with both government and private sectors even providing primary career fund.
- 4.5 Providing consultation and solutions of limitations in living on the conditions that recipients genuinely determine to become good citizen and never been convicted of Narcotics Acts, alcoholism, chronic diseases, or critical contemptuous diseases.

5 The Attendance Center is similar to Juvenile Centers but differed that offenders are bound to participate activities as specified. In Australia, the court demands criminal offenders subject to imprisonment and improper for suspend prosecution to this center for probation. On Saturdays and Sundays, the officers and welfare workers will organize the members contribute public and community works near the center, whereas, on weekdays, they normally study.

6. The Electronic Monitoring is the electronic detention to control movement and indicate location. Normally, it is used in controlling at residences or places rather than prisons. It is the House Arrest with Electronic Monitoring to restrict the area of imprisonment for non-criminal cases. The prisoners are deliberate to normally live like ordinary people within the restricted area. The surveillance will be under the mini-electronic fixed with prisoners similar to a belt or lock attached to the wrist or the ankle. Such devices will be conjoint with the transmitter fixed in the residence. The prisoner is unable to keep away from restricted distance such as 100-150 feet. If the prisoner leaves beyond distance the transmitter will immediately signal the control office. Then, an investigation will be arranged and if it is found out that the prisoner intentionally leaves the area, it will be locked in the prison and more punishment will also be added on truancy.

USA is the first country, which develop electronic devices since 1971. In Thailand the House Arrest is still new on it application in the criminal justice.

Level 3: It is the deviation the offenders from the criminal justice after offenders have been imprisoned but lessening the imprisonment by suspending to stay outside the prison or under conditional release to society to contribute community service and to follow the criteria or conditions rather than imprisonment. Such models are:

1. The Penal Settlement is similar to an common village organized for well behaving prisoners in career training and to own land for living after release. Land allocation, and a village or a penal settlement have been established to train prisoners on farming and raising animals. It is unlikely popular in Thailand particularly, in the industrialized countries on the restrictions of land. It is found in Africa, South America and Asia, especially in Singapore, the penal settlement is likely successful. Thailand has prolong organized the penal settlement under the law of Penal Settlement Codes BE 2479 but there is no application made. Till BE 2519, the first penal settlement called “ the Penal Settlement of Klong Phai” has been organized in the piece of land of not prohibited by the Royal Decree.

- 2 The Community Work is demanded on offender to compensate imprisonment or being admitted in the prison but demanded on community works. The prisoners will be transported to work in the morning and return to the cell till the

work has been fulfilled. In abroad, community works might require some days of outside camping till the works have been fulfilled and they will be returning to the prison. Such camping is called the “temporal Prison”.

Transporting prisoners to work outside the cell will be beneficial to them by different forms of remuneration. For example, not only dividend from some community works but also, the reduction of imprisonment terms equivalent to the days of community works. Their samples are constructing establishments, and cleaning of roads, government establishments, and public parks.

3. The Parole is another way of deviation of imprisonment by turning to treat offender to the community work rather than imprisonment. Such measures are integrated by both imprisonment and later release to work in the community compensating the rest to terms of imprisonment. The suspend punishment is critical tools for the administration particularly the Department of Corrections to motivate prisoners well behaving. It generates well effect in disciplinary supervision and administration in prisoners as well as corrections imposed them to return to societies. Further, it saves expenses of feeding prisoners and they own their income by working outside or studying to further be beneficial both for themselves and their families.

4. Reduction of imprisonment terms, which is the reduction of imprisonment and release prisoner before the fulfillment of the period by verdict but subject to probationary condition. Had conditions not been violated, or criminally offended, the prisoner merit for reduction of terms would have genuinely been liberated or otherwise jailing in the former cell. With the new criminal offense, new punishment will additionally be imposed.

The reduction of terms under laws and regulations of Thailand has been stipulated that it must be imposed on the absolute prisoner of not exceeding 5 days a month. The reduction of terms is valid when the absolute prisoner has been imprisoned by verdict of not less than 6 months or not less than 10 years. In case, life sentences can be reconciled to imprisonment with terms. Levels of the absolute prisoner merited for reduction of terms are the excellent for 5 days of reduction, the very good for 4 days and the good for 3 days, respectively.

2.3 Concepts of Parole

2.3.1 Definitions of Parole

It is meant the suspend of punishment and comes from French; “ Promise” , which is meant contract. Parole by an English dictionary is Word of honor, which is meant honored promise. Many have defined that:

1. By perspectives of Smith and Berlin (1979:4) – parole is the release of a prisoner under conditions imposed by the parole board determining improvements for prisoners after some period of imprisonment.

2. By perspectives of James Inciardi (1993:649)- the parole is the status of release from the cell or the penitentiary before the justified terms under the conditions of well behaving and under probation from the probationary unit till the parole is fulfilled.

3. By perspectives of Prasert Mekmanee (Be 2525:374)- parole is a method of considering release for an absolute inmate imprisoned for a period of time to be freed to stay outside of the cell or the penitentiary before the punishment ended under conditions and supervision of the probationary officers throughout paroling.

It is concluded that the parole is referred to a release of an absolute prisoner who has been imprisoned for sometimes and stay outside the cell or the penitentiary houses before justified period under the condition of probation and being supervised by the probationary officers throughout period of paroling.

2.3.2 Objective of Parole

Objectives of parole are allowing the absolute inmates partially punished in imprisonment or confinement in the penitentiary the liberty to stay outside the jail and the penitentiary house before completion of terms so that the offender can adapt oneself to the outside societies before actual release under the supervision and guidance of the probationary officers. The parole is the reward for well-behaved inmates. However, rewarding is not key objective of the parole but the 3 following:

1. The aspect of the state - the parole has revolved from requirement of lessening over congestion. Parole is therefore used in channeling inmates from jail and reducing burden of expenditures of the state.

2. The aspect of inmate – the parole is focused on helping inmate easier adapting to liberated societies under the guidance during the transitional period of change to be a good citizen. Rationally, with prolong confinement, it is unlikely to effectively adapt to the society. The offender is likely return to offend. Parole is therefore help them to better adapting and not to or unlikely return to offending. It helps from release and after release under conditions of probation, which is still under control rather than liberating. The parole is similar to bridging the life between being under strict control and liberty in the community. It has been accepted that newly released met difficulties of adaptation of oneself as well as contempt from public.

3. The social aspect – parole is meant for social prevention since it is the method of pursuance, surveillance, and probation of inmates during social entry. This period has closely supervised by parole officers. Inmates must strictly follow conditions otherwise will be under custody back to jail if probation has been violated. It encourages parolees familiarly adjust themselves to the social norms and more or less avoid criminal offenses. Societies are then being protected when parolees are closely under pursuance. If they would scare of offending since they are at risk to be arrested. The ill-effect will rebound by suspension of parole. Further, if any parolees express any unreliable habit, the parole officers are authorized to detain the parolee back to the cell. The parole indirectly helps securing society from crimes (Monthira Silpasorn, BE 2535:8-9)

2.3.3 Differences of Parole and Probationary Systems.

Generally, it is likely confusing between the probation and the parole. The probation is referred to discharging offenders with suspension of punishment yet to be determined under conditions. The probation means that the person is not yet confined in jail but discharged under the conditions of probation under period specified by court and under the supervision of the approbation officers. It is different from the

parole, which the inmates must be under custody to jail for some times. When, the parole board finds that the inmates are well behaving and deserving release before terms, the parolees are released under conditions determined for both control and assistance.

2.3.4 Pros and Cons of Parole

Many concepts support the parole method, which are concluded as follows:
(Theera Mekkamol: 2523:40-42)

2.3.4.1 Pros

1. Regulations, obligations and procedures of the jails and penitentiary houses are attempting to as much as assist inmates returning to be good citizen. A key limitation is the drastic differences between jail life and outside free life. When the term has been completed and released into the unfamiliar life since left so long, it is unlikely to adapt. Therefore, the parole will help bridging this limitations encouraging parolees experiencing social norms, which some have never met before or at least never have been practiced such as attempting the inmates to share responsibility, and so on. It will bear fruitfulness that inmates can make their own correct decisions to select different models of behaviors where they cannot be found in jail. Further, parolees must follow probationary conditions, when finally, they will be familiar with the moral behaviors.

2. Prolong detention of husband, or father or the person who earns living for the family will lead troubles to the family and create different problems socially and economically. It leads to broken home even the family has been materially support by organization or social welfare associations. However, it is least survive to the situation. Therefore, any inmates considered returnable to be good citizen should gain parole to earning and backing the family, which will be the direct solution to this problem.

3. Hope to gain parole motivates inmates to follow the particulars of the jail or the penitentiary house such as education, career training and so on. Whether sincere or insincere, it counts at least beneficial to inmates on the basis of encouraging them get familiarity with some well behaving.

4. The parole release can be imposed the time well- fit such as gaining expertise in career and readiness to enter social life. Rationally, prolong detention over the proper period will influence inmates the adoption of immorality.

5. The parole helps lessen jail congestion where rehabilitation of personality will be better with fewer numbers of inmates.

2.3.4.2 Cons

The parole system causes any direct disadvantages. However, considering any ineffective parole will be at least harmful to both inmates and societies in general. With the hope to obtain parole, it affects the inmates to properly and well behave. It is often seen the at the professional criminal with many time imprisonment will be better able to follow the jail regulations than the unintentional offenders such as offense by impulse and so on. Rationally, professional criminals intend to offend and see the end impact of being arrested. Then, such professional knows how to attentively follow the regulations to be spared on the disciplinary punishment and earlier release. Such case leads to mal-judgement on parole and harmful finally. In other word, it is harmful to the method of parole system particularly, the ineffective selection of parolees and failure to follow the very genuine objective of parole.

2.3.5 Theories of Parole

By laws and particulars of the parole being applied in the civilized countries, there are theories as spearhead alike the following key theories:

1. Grace Theory: This concept is counted as abating or softening in the criminal justice. Rationally, that it is the mercy of the criminal justice to return or reward well-behaved and diligent inmates by release before terms and it is called the

parole. It shows the mercy of the process to return the offenders to societies after undergoing part of punishment. It is counted as mercy on conditions, i.e. the inmates of the absolute prisoners awarded parole must live under the custody of the probation officers under specific period otherwise nullified if conditions have been violated. Parolees must return to be case by case subject to the previous or added punishment. The parole board will scrutinize each procedure what relates to qualification checking, approval of punishment, conditioning probation, and the termination of parole.

2. Contract Theory: This concept accepts contract between the criminal justice and inmates that a after being released before term on basis of well-behaved, they must agree that they will firmly follow till the completion of the term to gain genuine liberty, otherwise, the release is nullified and must return under custody to face the previous punishment. This concept counts the offenders vow the contract or inmates of sometimes imprisoned. However, contract of release must be agreed upon under specific period otherwise cancellation and return to meet the previous punishment had contract been breached. Had they followed all conditions, they would have had genuine freedom.

3. Custody Theory: In general, punishing offenders is the custody, i.e. imprisonment or detention and in cell. Custody in general is also referred to incarceration of offenders for punishment, rehabilitation and workforce. The custody withholds personal rights and liberty including the total withholding personal rights and liberty by jailing, detention, and part of rights and liberty or called “semi-custody” such as the halfway house, or the periodic detention/ weekend imprisonment, and so on. While the parole counts the qualified parolees to follow laws of custody, prison rules and order of officers as well as order of parole or probation officers within period and under conditions, the status of the parolees is therefore under custody even being released before term. It therefore restricts personal liberated motive by the concept of custody.

2.3.6 Records of Parole

During 1776 and 1885 there was an Inmate Relief Association providing welfare for inmates after release in job-seeking, provision of tools, clothing, and transportation to work sites. However, before having the parole system as in present, there has been experiment this methods even it was found unlikely. In the colony of Australia where the United Kingdom had sailed them to, Captain Alexander Maconochie appointed to be the Governor of a Jail in Norfolk Island had invented the Mark System when inmates would acquire the score by working and well-behaving for release.

Maconochie's concepts has been implemented in England and renamed, "The Ticket of Leave System". It is similar to lump sum payment for inmate workforce under custody. This new system excludes released inmates, and later in 1853, England has enforced a new law to imprisonment rather than sailing them to the colonial settlements. Also, term of imprisonment is specified before appealing for the "Ticket of Leave." This system has been assumed that training inmates in a cell is preparing them to well behave in prior to release before term. It is also indicated in the Ticket of Leave that the released may subject to custody to return for the previous punishment if associating with immoral people, laziness in working, vagrancy, and new offense.

In 1859, Sir Walter Croton readapted the Mark system of Capt. Alexander Maconochie to The Irish system by providing the Intermediate prison. Meaning, inmates likely transformed will be released to societies before the terms. For examples, an inmate has been sentenced for 10-year term, and during the first 4 years of detention in ordinary prison, but with consistent well-behaving, the inmate has been promoted to the Intermediate Prison for 4 months for close probation whether, the inmate is able to really becoming a good citizen and returnable to societies. If the officers find possibility as well as job potentiality outside, the inmate will have absolution under conditions or called the Ticket of Leave. During this period till specific time, the inmate will be acquitted by verdict. If being found immoral or improper behaving, the Ticket of Leave will be withdrawn and must return to previous imprisonment.

The influence of The Irish System has been expanded to USA. When the Emira Reformatory was established in New York in 1876, this system was integrated for application with other systems such as flexible court verdict, special privilege from well-behaving, mandatory education, and the release of selected inmates under conditions. The developed parole has been therefore begun in New York. Also, Zebulon Broadway stated that he generated this system in USA but also parole has been found in Europe. (Nibhabhon Duangjam. BE 2533:37-38)

The first laws of parole began in USA during 1877 and in 1900, parole laws have been enforced in 20 States then 32 States in 1910 joining with the parole of the Central Government. Arriving at 1920, 44 States have enforced the parole laws.

Since then the parole has drastically been implemented as well as the basic standards particulars are enforced to treat the inmates under the proposal of the United Nation and to experiment the release before term under the probation leading the parole becomes popular and extensively implemented.

2.3.7 Procedures of Parole

2.3.7.1 Procedures of Prison or Correctional Institution

The work system of the Prison or the correctional institution set in the ministerial regulations by the Ministry of Interior on parole specifying period that every month end of March, June, September, and December, the Governor of Jail or the correctional officer of equivalent must examine absolute inmates of completed qualification for parole coded by laws. Meaning, the inmate of well-behaving, enduring, advancing in training, good performance or exclusive performance for the state and deserving term of punishment, will be proposed for parole to commanders in line to the Chief Commander of the Correctional Institution (Parole Regulation of the Ministry of Interior, BE 2496: Item 1)

The prison or the correctional institution has proposed to the probation regulators or volunteers or either to the correctional officers who have been trained or the local administrator or the police to examine authenticity of the inmate records.

Examination will be focused on both before and after imprisonment, living status, behavior of the beneficiary, relation between the beneficiary and the inmate, the inmate family records, the cause of offending, the family relation, relatives and neighbors. This is to form the comments of the probationary officers or volunteer in order to further propose to the prison and the correctional institution.

After receiving fact-findings; the commander will form a committee to examine possibility of parole. This committee is subject to ministerial rules stipulated in the Correctional Acts, BE 2479 Clause 91, containing:

1. Regional Correctional Institution Committee encompasses the commander as chairman, and 2 classified civil servants of the sections appointed by the provincial governor. In practice, the Governor appoints local police or the public prosecutor to be the committee members.

2. Central Correctional Institution Committee encompasses not less than 3 chiefs of section appointed by the Director General. In practice, to commander or the supervisor of the correctional institution appoint committee members as replacement.

The committee members will examine details and further propose to the commander or the supervisor of the correctional institution. If it is agreed for parole, it will be submitted for approval to the Director General. For the Central Prison, the committee will propose directly to the Director General with document evidences for examination.

2.3.7.2 Procedures of the Correctional Institution

It counts from receiving name list of inmates proposed by the committee for parole with documents submitted by the prison or the correctional institution. Another committee will be appointed for examination called the Parole board to scrutinize the parole proposed by different correctional institutions and further propose to the Director General for taking action. If approval, the commander of jail will be informed as well as conditions of parole will be attached.

Normally, the Director General is authorized but in case of exclusivity in prolong parole rather than specified in laws, it will be approved by the committee

chairing by the Permanent Secretary of the Ministry of Interior with another 4 committee members, i.e. a representative from each of the Department of Corrections, Police Office, Ministry of Interior, and the Supreme Public Prosecution Office.

2.3.7.3 Procedures after Approval of Parole

After the Department of Corrections has approved a parole for any inmates, the post procedures are:

1. The correctional institution where inmates have been paroled will impose 2 cases. 1) If an inmate is paroled of not more than 4 months or the prison has regulated the inmate for a month outside work, the inmate is automatically released. 2) if the inmate has been retreating for more than 4 months and never been regulated to outside work, the inmate cannot be released and psychological test must be organized for a month before release. In both cases the Suspend Punishment document is indispensable for the absolute inmate on parole. One will be kept in the prison, and the others will be sent to the Department of Corrections, the Provincial Governor, the District Chief, and the Chief of Police Station where the inmate will reside during the parole. Details of the Parole Letter contain Prisoner Identical Code, Class, Age, Red/Black Lawsuit, Offense, Period of Detention, Royal Absolution, Punishment Reduction, and conditions of parole that the parolee must follow during the parole period.

2. Procedures of Probation: It begins after the Department of Corrections approves parole having the probation/ volunteer officers, administrative officers including chiefs of Tambol /village and local police where the parolee will reside to supervise. The parolee must follow the specified conditions using social welfare methods otherwise by the report of the probation officers to the Department of Corrections, the parole would be terminated if breaches had been made or else release upon the completion of terms if there were no violation.

In the procedures of probation, the parolee must without delay report to the probation officers, police or the District Chief of residence under the condition not

later than 3 days counted from the arrival of the location and followed by once a month on self-report.

2.3.8 Fact Analyses and Report Writing for Parole

It is prepared to collect facts about absolute prisoner before and after imprisonment as information for the parole board to examine the possibility. It is divided as follows:

2.3.8.1 Order of Fact Analyses

It cannot be found in the Corrections Acts Be 2479 but in the ministerial regulation of the Ministry of Interior demanding the commander of Jail to gather facts of prisoner qualified for parole. The following step is the fact analyses to examine parole by the correctional institution officers and the committee examining behavior during imprisonment as well as facts outside the cell. Upon found parole being possibly approved, it will be submit to the Director General of the Department of Corrections for further action. Also, after parole has been approved, still fact analyses are yet to be conducted at the level of probation.

2.3.8.2 Types of Facts

Facts for examining to approve parole are acquired from interviews, evidence reviews as well as comments of officers and the beneficiary. They are as follows:

1. Biography, offense, punishment, and punishment reduction, with following details:

1.1 Name, age, race, nationality, and religion, gained from personal records.

1.2 Offense of punishment, specification of punishment, Red warrants to inform punishment.

1.3 Date of Royal absolution from promotional records.

1.4 Weight, and violence of offense, copy of verdict, copy of lawsuit, and records of offense whether having returned to offend.

2 Behavior before punishment as following fact details:

2.1 Residential Tambol before punishment, father and mother, spouse, children, and occupation from self-report records.

2.2 Conducts before punishment from probing chief of tambol, chief of village, peers and neighbors.

2.3 Criminal offense committed before current offense from red warrant of punishment information of the Central Investigation Bureau.

2.4 Behavior of current criminal offense from final verdict.

3 Behavior during detention as following details:

3.1 Conducts – facts of habits, general behavior recorded from officers of promotional section, records of virtues and mistakes, disciplinary violations, gaining from disciplinary examination and training as well as following instructions of the staff of the correctional institution or trainees.

3.2 Endurance – perseverance in education, diligence of working, well-behaving without fail, which are collected from supervisory officers' reports.

3.3 Education – fact on general studies, moral principles, occupation, which are collected from officers, teachers and career

3.4 Working – non profit and profitable work, which can be collected from officers.

3.5 Exclusive promotion form the correctional institution 's examining.

4. Environments after parole – fact finding contains as follows:

4.1 Comments of the administrative officers, local police, sensation of local people to the parolee, which are collected from records of the administrative officer, chief of tambol, chief of village and local police.

4.2 Facts of conducts, habits, economic status, living standards, environments and willingness of the beneficiary, which is acquired from the beneficiary of the parolee.

4.3 Family status, career after release from the statements of the chief of tambol, chief of village, intimate relative, which are gained from the observational reports on conducts, and aptitude during detention.

2.3.8.3 Methods of Collecting Facts

It is done as attachment to parole examination and divided into facts from inside and outside the correctional institution.

1. Facts from the Correctional Institution- they are facts gathered on offense, punishment specification, previous criminal offense, goodness and favor, subjection of punishment, the remain punishment, general habits and conducts, promotion, disciplinary offense, endurance, and education. Such information is gained from red warrant for absolute punishment, records of favor, records of correctional institution, reports of the officers, and examining file of the correctional institution.

2. Facts from outside correctional institution – they are facts to be examined by the commander in relative to biography of the inmate, the residential benefactor, and the career, conducts, status, and willingness of beneficiary. Such facts will be interrogated to the local police, people and the benefactor of parolee for residence. Such fact finding form for parole conducted by the correctional institution will be distributed to the chief of district where it is the domicile of the inmate. Offense records will be questioned from criminal records, Central Investigation Division with format Por. 2, 3 and 4 for officers to fill up the details of inmates's historical records, habits, assets, domicile of spouse, father, mother, as well as copy of verdict to realize the weight and violence of the offense, or whether having been returned to offending, including the habits of the benefactor, behavior, relation with inmate, asset of benefactor as well as comments of the officers. Also, records of benefactor's statement are required containing the willingness to sponsor inmate as well as confirming to caution and remark inmate, and showing the status by the assets. Such facts at present will be submitted by probation or volunteer officers who seek fact by interview formats, i.e. 1) The Survey Format of Historical Records before Release for

Probation, 2.) Report of the Survey Results before Release, and 3) Survey Format for Benefactor Before Release for Probation.

2.3.8.4 Fact Report Writing, Comments and Recommendations

After gathering the step 2 and 3, the correctional institution will collect those facts, comments of parole board, name list of inmates qualified for parole, comments of the commander or the disciplinary officers to be submitted to Department of Corrections for further action.

2.3.8.5 Problems and Limitations in Fact Analyses and Report Writing to Propose the Parole board

Problems are the inexpeditiousness of collecting facts from different places as state above, i.e. officers of correctional institutions, police, chief of tambon, chief of village, and chief of district, when they have their routine job. Sometimes, the information is unlikely perfect or unlikely true. It limits the fact analyses and report writing to submit to the parole board. Even, currently, probationary volunteers are found, but they cannot meet the numbers of inmates and some data are unsearchable causing the ineffective report submitted to the parole board, which leads to the rejection of the parole.

2.3.9 Qualification of Being a Parolee

2.3.9.1 Types of Punishment

From the writings of Hussey and Duffee (1975: 103) some countries specify that some types of criminal offenders will not have parole such as some States in USA specify that offenders of homicide, revolts, and rape will not obtain parole.

Thailand, practically, even it is stipulated in the Corrections Acts Be 2479 Section 32 (50 does not define punishment, but the parole will follow the ministerial rule No. 46 and examine punishment as offense deserved. Even there is no statement in Law, but in practice, the violent punishment or violent case affecting morality of people will not obtain the parole or the absolute inmates experiencing detention before and returned to offending (excluded the civil punishment) also will not obtain parole exempted exclusive conditions. Currently, the parole section of the Department of Corrections allows the re-offenders obtaining parole if qualified to the criteria and the parole board approves to meet the policy of increasing numbers of parolees.

2.3.9.2 Terms of Inmate's Detention

The parole will be imposed with inmates for sometimes detained. Such period might be more or less such as in England, it is specified that inmates of less than 3 year terms deserve parole after not less than 12 months of confinement. Those who are under life sentences will deserve parole if after not less than 10 years detention. In USA, it is specified that inmates deserving appeal for parole must not be less than 1 year of confinement and punishment has been deserved for one third as verdict or undergoing punishment of not less than 10 years for life sentence or more than 30 years. Objectives are to allow inmates being reformed by the method of the correctional institutions for sometimes before deserving parole.

2.3.9.3 Hierarchical Benefit Offering

The hierarchical benefit is offered when inmates are promoted to the intermediate prison. Later, officers will separate well-behaved inmates from the bad. Had inmates well behaved they would be promoted to good, very good and excellent level, when inmates deserve parole. Parolees should at least be good inmates.

Besides, the generality as stated, it is recognized in parole on conducts, offense records, behavior during detention, benefactor, and environments for consideration.

Thailand has set criteria for parolee in the Corrections Acts BE 2479, Article 32 and No. 46 of the Ministerial Regulations of the Ministry of Interior Vol. 6 (BE 2505) following Article 58 of the Corrections Acts BE 2479. It is concluded as follows:

1. Being the absolute prisoner showing well- behaving, enduring, and progress in education and good performance or exclusive fulfillment favored to the civil services. An “ Absolute Prisoner” is referred to an individual confined by the final verdict and an individual confined under legal order for punishment stated in Article 4 (3).

2. Being an absolute prisoner being detained of not less than one over three of punishment currently warranted by court.

3. Being the excellent, or the very good or the good inmate to deserve parole (the moderate, the bad and the worst deserve no rights for parole⁰. Also, period of parole is different, i.e.

3.1 The excellent inmate will not exceed 1 over 3 of punishment period state in the warrant of punishment. In case of Royal Absolution, the latest red warrant is justified.

3.2 The very good inmate will not exceed 1 over 4 of punishment period state in the warrant of punishment. In case of Royal Absolution, the latest red warrant is justified.

3.3 The good inmate will not exceed 1 over 5 of punishment period state in the warrant of punishment. In case of Royal Absolution, the latest red warrant is justified. (Rules of the Ministry of Interior Vol. 6, No. 46.)

In the Exclusive Case, the parole surpasses No. 46 must be approved by the committee containing following persons. (Rules of the Ministry of Interior Vol. 1, No. 92), i.e.

1. Permanent Secretary of Ministry of Interior	Chair Person
2. Representative of Department of Corrections	Member
3. Representative of Police Office	Member
4. Representative of Ministry of Interior	Member
5. Representative of Supreme Public Prosecution Office	Member

Such inmates will not immediately deserve parole but undergoing examinations and procedures of rules of the Ministry of Interior subject to parole specification.

2.3.10 The Parole Board

Parole aims at corrections by offenders can spend life outside cell before actual release. Therefore, personnel examining parolee among absolute prisoners are vital. Rationally, a parole risks inmates of re-offending and adaptable to societies. Most countries for a Parole Board for parole examination. The members will examine reports submitted on offense, and reforming of inmates in the correction institution. Data submitted to the parole board affect the inmates on parole. Discretion is used for decision-making. Therefore, parole significantly depends on fundamental data of inmate and the discretion of the parole board. The board is vital to the parole.

The parole board of Thailand is a group of persons processing on parole and is qualified under the specification of the rules of the Ministry of Interior stipulated in the Corrections Acts BE 2479, NO. 91 and the ministerial regulations on Parole. They are classified as follows:

1. The Committee at the Level of Correctional Institution – this committee initially examines potential inmates approved for parole, which contains 2 levels, i.e.

- 1.1 Regional Correctional Institution Committee encompasses the commander as chairman, and 2 classified civil servants of 3rd class appointed by the provincial governor. In practice, the Governor appoints local police, and the local administrator or the public prosecutor.

- 1.2. Central Correctional Institution Committee encompasses not less than 3 civil servants of 4th class appointed by the Director General. In practice, the commander of the correctional institution is chairperson and 2 chiefs of the section join as members. If the chief of the section is unavailable, the commander may appoint the governor of jail third rank or section staff or otherwise appoints the potential staff.

This committee examines the full qualification of inmates proposed by the correctional institution containing facts collected. If agreeing to approve parole, the committee will propose namelist of inmates with documental evidences and comments of examinations for parole to the Director General for further approval.

2. The Committee at the Level of the Department of Corrections – this committee examines documents request for parole approval proposed by different correctional institutions as well as comments the potential inmates for parole to be proposed to the Director General for further final decision.

The Parole Board discerns parole basically on report of fact analyses, which can be summarized as follows:

2.1 Checking the biographical records, environments, behavior before punishment, and offense records.

2.2 Considering behaviors and causes driving an inmate to offend

2.3 Offense, punishment, royal absolution, punishment reduction, period of detention, and the remaining period of detention

2.4 Behavior during punishment results of training, performance, goodness and favor during detention.

2.5 Weight and violence of the offense based on copies of verdict, or lawsuit or whether re-offending.

2.6 Comments of the local administrative officer, police, checking the reaction of the victims, and local people-focusing inmate granted parole.

2.7 Examining behavior, habits, economic status, living conditions, and beneficiary environment on their potentiality.

2.8 Examining the career of the parolee for self and family earnings on its potentiality.

2.9 Examining promotion of inmate requesting parole and the appointment order of the parole board on its validity.

Examining the initial data of the absolute inmate is critical to their parole approval. Therefore, the correctional institution officers must closely examine behavior, and deeds to ensure that the parolee is able to live with outside societies as a good citizen and will never again trouble the common things.

When a parole is approved to any inmates, they will be proposed to the Director General for further action. After, parole has been approved, the Department of Corrections will inform the correctional institution where the parolees are detained as well as inform the probationary officers to follow up. Before release, the parolees will undergo the psychological test.

2.3.11 The Psychological Test Before Parole

It will be conducted after parole has been approved. Meaning, when the Director General approves parole, the schedule of release will be informed in advance, normally, 1 month. This psychological test will ensure whether the inmate is good regardless they are the excellent, the very good, and the good classification, they will be issued for a month outside work for public before parole release. Any genuine good inmates will find no problems, but if any inmates misbehave or commit truancy, they will not be permitted for parole.

The psychological test and re-screening an individual as stated above have different advantages such as public contributions – cleaning the church and monastery, and other public works near the prison. It is at present similar to the practices in Japan. Meaning, when an inmate is selected as a good and potential parolee before being released to its domicile, the correctional institution will assign for an outside work such as assisting cleaning, maintenance, decorating roads, establishments in the monastery e.g. Buddhist churches, and Zen churches, which are located near the prison and so on. Any inmates behave well without fail till parole term will follow the release schedule, while the misbehaved or mischief or truant during the psychological test will be ceded for the parole. It is found advantageous in Japan and popular to many abbots and Buddhists

The psychological test is hence conducted in Thailand and later additional particulars for the correctional institution relating parole are that any parolees who have already been permitted for suspend punishment of not more than 4 months or assigned to outside work, they are immediately suit for release without the psychological test or otherwise (excluding, the Central Prison of Klongprem, Women

Correctional Institution, and the Open Correctional Institution of Huay Pong). The Psychological Test is inmates under custody are led to fulfill public work outside prison such as cleaning monasteries near the prison, and the Muslim to the mosques or assigned to public cleaning or around the prison, later than the parole will be granted by order, exempted misbehaving ones will be met with suspended parole and reported to the Department of Corrections for further action.

Upon Order of Release, the correctional institution will issue a letter of parole format filled up by the commander or the chief for parolees to be kept with each parolee, the correctional institution, the correction Department, the governor of the local province, the local district, and the local chief of the police station where the parolee will reside. Details of the letter contain Code Number, Classification, Age, Read Case, Black No., Offense, Duration of Punishment, Imprisonment, Royal Absolution, Punishment Reduction, Conditions of Parole, which the parolee must follow during its term.

2.3.12 Condition and Suspend Parole

1. The Condition Parole is specifying conditions for parolee significantly for adjustment to the community and to become good citizen in order to prevent re-offending. Conditions are generally specified for parolee to improve oneself allowing the officer to properly control each parolee. Specified conditions in abroad contain both strict to follow and to abstain such as prohibit to drink alcohol, prohibit to change job or residence without permission, agree to abide by laws, no possession of arms, or no narcotic drug uses, and so on.

In Thailand, when an absolute inmate is approved for parole, the Department of Corrections impose conditions to follow and to abstain as below:

1.1 Conditions to Refrain

1.1.1 Refrain from criminal re-offending

1.1.2 Refrain from entering specified jurisdiction

1.1.3 Refrain from misbehaving such as opium uses, gambling, etc.

1.2 Conditions to Follow of either one or many

1.2.1 Report oneself to the administrative officer or police once a month by demand

1.2.2 Earning as job-seeking provided by the authority

1.2.3 Earning the previous job or provided by relative and friends

1.2.4 Practice the religious rites

The Director General has been authorized on the stated conditions, to specify only one or many to fit each individual personality and behavior. Generally, it is specified in many items to control parolee such as stay with the benefactor and earning under the Department of Corrections demand, jurisdiction restricted, prohibit for changes of benefactor, career, misbehaving, and refrain from criminal re-offending, do honest job, no carry all types of arms, restrict to visit or contact other confined inmates of not being relative, and self-report to the officer. Each procedure and condition are determined to find the proper parolee and convertible to be good citizen livable among societies. Probationary Officers supervise the specified conditions of parole. Conditions of self-report to the administrative officer, or police or the correctional officers are the specification of self-report of parolee residing in the same district located the correctional institution. After parole being granted and having been reporting to the district and the local police 3 days later under regulations for the first practice, later, self-report of once a month must be made with the commander or the supervisor or the governor of district jail and self-report is specified as follows:

1) A parolee entering Bangkok must report to the Probation Office, The Department of Corrections, and

2) A parolee entering jurisdiction located prison (excluded Bangkok) must report to the prison rather than district office or the police.

Other parolees entering other jurisdiction rather than Bangkok and district located a prison must follow the previous practices, i.e. the district or local police must supervise the behavior and receive the self-report to further report to the dependent correctional institution of the parolee.

2. The Suspend Parole – if an inmate granted parole and unable to follow any specified conditions, the parole will be suspended coded in the Article 43, “ an absolute prisoner granted parole coded in Article 32 (5) and being released before terms in verdict, must during the period strictly follow conditions for its behaving. Had any conditions not been followed and the absolute prisoner will be arrested without warrant or jail warrant and returned under custody to follow the rest punishment. The Officer is authorized to suspend parole coded in Article 32 (5) or either subject to disciplinary punishment.

Under Article 43, any parolees who are not following either one of conditions of parole, they will be treated as follows:

- 1) Being arrested without warrant or jail warrant
- 2) Imprisonment for the rest of term
- 3) The officer is authorize to suspend punishment and parole, and
- 4) Imposing disciplinary punishment

The Suspend Parole has been defined its particulars coded in regulations of the Ministry of Interior in many items as follows:

2.1 In case the parolee even not misbehaving but expressing behavior that if parole granted would be unreliable on possibly re-commit immoral deeds; the administrative officer or police is authorized to report the commander of jail for checking. If it deserves, the local police will be informed to return the parolee under custody to the prison without delay.

2.2 In case of breaching conditions, or order of confinement to return to jail; the commander is authorized to imprison the absolute inmate and report without delay so that the Department of Corrections will suspend parole. Upon approval of suspension, the parole letter must be retrieved and also inform the local administrative officer, and local police without delay.

3. In case of an absolute inmate granted parole to follow the conditions of more than 2 years, an if thy are well followed of not less than half of the term, the commander of jail will propose conditions abated as deserved. Upon being approved by the Director General, the commander must inform all caretakers of the parole letter.

4. The parole condition abate is allowed for once and the obligations in the suspend parole state, “ had condition been breached, the authority may arrest to return to imprisonment to deserve the rest of term without warrant” should be maintain or for further amendment or cannot be abate.

If an absolute inmate granted parole has fulfilled the term, the commander will issue a certificate and report of absolution as well as comments on every parolee to the Correction Department.

2.3.13 Principles of Parolee Probation

It is to supervise and assist the parolee to become good citizen and adjustable to society. At the meantime, it is to care the parolee to follow the conditions for probation. Concepts of having probation for parolee are divided as follows (Manual of Probation: 101)

1. The parolees need assistance and it is required to make them feel that they are useful to community and society by attempting to reduce negative attitudes of living among society and directing them to adjust to it as an ordinary people.

2. Offending prisoners are likely caused by economics, i.e. poverty or jobless. Such problems should be handled by attempting to increase skills of workability.

The policy of probation in Thailand is to screen the absolute prisoner with well behavior to be supervised by probationary officers or volunteers to help parolees. These officers will seek facts and personal records of parolees both from the past and at the present. Also, it is to study earning, seeking cause of offending and to find ways for helps based on principles of social welfare as well as supervising parolees to follow the conditions by counseling, advising, cautioning and helping the problematic probationers. Its objective is to help probationer the self-sustainability, and living ordinary life among a society. At the meantime, it helps close control of the parolees and realizes their movement. When, it appears that parolees breach the conditions, it is possible to return them to jail under custody to face the rest of imprisonment term and the disciplinary punishment as coded in Article 43 of the Correction Acts,

“Article 43: an absolute prisoner granted parole under Article 32(5) and being released before term by the current verdict must strictly follow the specified conditions in one’s own behavior, otherwise breaching any conditions, it may be subject to arrest without court or jail warrant and return in custody to prison for the rest of term under Article 32(5). The parole will be suspended as well as period of terms including facing the disciplinary punishment.”

After the enforcement of the Corrections Acts BE 2479, the parole has been imposed with absolute inmates released before terms under conditions suspended punishment coded in Article 32 (5). However, the probation coded in BE 2479 saws till with no immediate work unit or parole officers. In BE 2480, the Department of Corrections has rested probation of parolees with local administrative officers and police to supervise them to follow the parole conditions. When the Department of Corrections more imposed on parole, the probation dependency on administrative officers and police has also increased their burdens. The Department of Corrections has established a probation section in BE 2506 but still inadequacy of officers in association with the Department of Corrections has trained its officers (Regulators) to be also the probationary officers. Volunteers have also been experimented to supervise parolees. Such job has been running smoothly and the probation job have consistently been improved and expanded. Currently, the probation unit is under the Probation Section, Office of Probation. It has been divided into 5 jobs, each holds following duties and responsibility.

Job 1 is responsible for education, direction, criteria, and particulars on probation of the inmates released by parole, reduction of punishment term, control, checking, and pursuing probation of different correctional institutions in the region to follow the same regulated criteria and standards.

Job 2 is responsible for fact-finding and details of the inmates potential for release within Bangkok and premises as well as summarizing and making comments for parole.

Job 3 and 4 are responsible for pursuing, controlling, supervising and watching behavior of the probationary inmates released from prisons in Bangkok and premises to follow the specified conditions as well as receiving their self-report and coordinating with probationary volunteers under responsibility.

Job 5 is responsible for fact-finding and details to defend references, and recommendation for potential released inmates located in regions as well as summarizes and comments for examining parole and reduction of punishment term. It also includes supervising and watching behavior of the probationary inmates to follow the specified conditions as well as receiving their self-report and coordinating with probationary volunteers under responsibility.

Besides 5 jobs divided in the Probationary Section, it controls registration job and probationary volunteers who are responsible for controlling, checking, registering, and filing archives of probationary inmates, records of probationary volunteers as well as cooperating between the Department of Corrections and the probationary volunteers. It is also including reporting the results of probation, conditional parole, and assigning probationary volunteer to assist those probationary absolute inmates.

2.3.14 Probationary Personnel for Parole

They are key in parole on the basis of gathering information for the parole board to examine the parole granting. They also supervise parolees to follow the conditions and their behavior including counseling with concerns to adjustment for outside society as well as comment the suspension of parole. At present, the probationary officers are divided into 2 types, i.e.

1. The Probationary Officer (Professional) – the Department of Corrections recruits the probationary officers graduated from Social Sciences to be allocated as probationary officers by objectives. The Department of Corrections organizes training for the probationary officers and regulators for the selected so that they will be assigned to regulate different prisons with good knowledge, capability, interest to probation, and with special attributes such as kindness, sacrifice, human relation, helpfulness, good listener, and understanding problem. They will be trained to work on probationary jobs, social welfare sciences, criminology and penitentiary, laws, psychology, and correctional administration in both theory and practices.

2. The Probationary Volunteer – the correctional regulations state the qualification for persons selected to be the probationary volunteers as follows:

- 2.1 Age of complete 25 years and over
- 2.2 with well-settled domicile
- 2.3 graduated of not less than Secondary Year 3 or equivalent and over or ever worked in social welfare of not less than 1 years, or with local leadership experience
- 2.4 with occupation and firm status
- 2.5 healthy
- 2.6 honest, moral, sacrificing and sincerely devoting to probationary job
- 2.7 passing the probationary training organized by the Correctional Department
- 2.8 never been sentenced on imprisonment excluded by negligence or minor offense.

When those qualified persons volunteer to be probationary personnel, the Department of Corrections will appoint a committee for selection and for training.

Two key duties of the probationary officer and volunteer are:

1. Fact-finding with following procedure (Manual of Probation:74-75)
 - 1.1 Survey name list of absolute inmates potential for release of probation by checking from personal data to know their personal records.
 - 1.2 Realizing the potential inmate for parole to be released for probation, the probationary officer in the prison will review personal records of inmates (Fact-finding form 1) containing details of personal backgrounds, offense and benefactor.
 - 1.3 Visiting the home and environment on their suitability and interviewing the benefactor to seek fact on backgrounds of parolee (fact finding form 3)
 - 1.4 Interviewing the and contacting the intimate persons, neighbors, and relatives to gain fact on parolee in order to study their sentiments on parolees whether they are disgusting, dissatisfying or unwilling to help so as to analyze for further probationary planning

1.5 Recording in the Fact-finding Form 2 and submit Form 2 and 3 to the prison for further proposal of parole.

After analysis of all facts, the probationary officer will further report facts and comment to the parole board.

2. Watchdog on Parolee (Manual of Probation: 87-88)

2.1 Home Visit – at least once a month organizing home visit to parolee; had there been any necessity, more than once would be probable but under the permission of the correctional institution or the Correction Department. Conversation with parolee may concern on events, historical background, advice, comments and the following pursuance of results.

2.2 Guidance and counseling to solve problems and limitations counting from daily living in the community, family, occupation and persons involved with the parolee.

2.3 Watchdog – emphasize parolee to strictly follow the conditions and to report oneself once a month at the correctional institution till acquittal. It includes watching the behavior of the benefactor. If the parolee violate the condition or reliable behavior, and risk to re-offend if being released, it is requires to inform the correctional institution or the Department of Corrections without delay.

2.4 Pursuing results, and counseling – the probationary officer or volunteer must survey that to what extent the progress has been made with each counseling to the parolee. To what extent the parolee has applied counseling to improve personality, habits and attitudes to environments.

2.5 Provide welfare for parolee and family facing difficulties by collaborating with community resources or discuss with the probationary officers at the correctional institution or the Correction Department.

2.6 Reporting the home-visit once a month to the correctional institution or the Department of Corrections until the parolee completes the term.

2.7 Receiving Certificate – when the parolees complete the term, they will be guided to receive the certificate at the correctional institution or the Correction Department.

2.8 Providing Helps- upon finding the parolee requires helps, the probationary officer must examine using social sciences-based to approach each of

them in terms of self-sustainability. First, the parolee may be advised for self decision making. Second, a coordination may be made with the local government or private sectors e.g. the provincial public welfare office, foundations, and association for the best benefit of the parolee.

3. Pursuing Results for the probationary volunteer is as follows:

3.1 Recording reports to be submitted to the probationary officer of dependency

3.2 Home-visiting to check living condition, environment and family relation

3.3 Building relation with the parolee and involved persons

3.4 Supervising the parolee to follow the condition

3.5 Behaving oneself as a good neighbor, and mentor attempting to persuade the parolee new insights reforming oneself to be a good member of society. It is the critical turn of starting a new life. The parolee might meet difficulties, no advisors, neglected, disgusted, rejection from community and jobless.

3.6 Coordinating with government and private sectors in the community to seek helps to some restricted affairs.

3.7 Meeting some problems of insolvable, the probationary officers of the correctional institution or the Department of Corrections must be counseled for further assistance.

3.8 Monthly report by parole format must be submitted to the correctional institution under the restrictions of the Correction Department.

Had any parolees violated any conditions, the correctional institution or the Department of Corrections would be reported to take the parolee under custody.

2.4 Related Researches

Theera Mekkamol (BE 2523) studies, “ Parole in Thailand”: a descriptive study of document and comparison parole system of foreign countries and Thailand, principles and approaches of parole, as well as the parole supervision.

Nibhabhorn Duangjam (BE 2533) studies, “ Factors Limiting Parole in Bangkok”. It is found out that many causes such as obligations, non-obvious specifying offense for parole, and some types of lawsuit offense improper for parole drive problems and limitations of parole. Second, the inadequacy of immediate responsible unit. Third, the inadequacy of the probationary officers and the inadequacy of immediate responsible unit for parolee’s post release. Finally, the inadequacy of collaboration and supports are found among different units involved.

Manit Wajasat (BE 2542) studies, “ Problems and Limitations in Probationary Volunteering Job: a case study of the Central Prison of Udon Thani.” Problems and limitations are the migration of parolee and not reporting, lateness of report writing and submission, illiteracy of report writing, and providing more remuneration and welfare for probationary volunteers. It is recommended that the probationary officer must rake the case to volunteers. The volunteer must clear understanding with parolee at first met. Visiting parolee is necessary. Also, clearing that the Probationary Office provides social welfare services for parolee.

Sorraphong Setsanit (BE 2545) studies, “ Perspectives of Correctional Officers on Parolee.” It is found out that most agree with release before term as method treating offenders on rehabilitation-based. The most critical problem is the highest number of imprisoned addicts and unable to decrease. The parole and days of reduction of punishment term are unlikely as well as absolution is unlikely frequent. They affect less excreting inmates and sustaining other problems such as the inadequacy of efficient personnel, budget, devices, and advanced technologies. Commanders likely insignify the type of jobs and too many procedures and paper works.

Sukanya Kanjanarat (BE 2544) studies factors relating expectations on living after release. It is to study the nature of basic factors of inmates during confinement in the open prison. 350 samples are inmates of 3 open – prisons. It is found out that family factors relating to visit makes inmates more bond with family to 97.1%. It is found out that acceptance that most family accept and give moral supports for good behaving to be sooner release at 98.3%. It is found with opportunity to return to be good person that most family is willing to have them return and stay after release at 97.1%. In relation to expectations of living after release, it is found that inmates have

high expectation toward themselves, i.e. they expect to lead an honest occupation and becoming good citizen and never think to return to offending. However, it is found with expectation toward family that most inmates have highest expectation toward family. With the visit of family during imprisonment turn inmates feel part of family.



CHAPTER III

RESEARCH METHODOLOGY

The study of Problems And Limitations In Thailand's Parole System: A Case Study Of Top Administrators In The Department Of Corrections is a qualitative research emphasizing the Documentary Research and Field Research with following details of population, instrumentation, data collection, and analysis

3.1 Population and Sampling

For obvious and complete analysis of problems and limitations of parole, the population is top central and regional administrators of the Corrections Department. The central group provides counseling and analyses based on integrated knowledge and experience to set policy and directing, whereas the regional group is the administrative of the correctional institutions, who follow regulations, laws and policy to drive policy achieving its best applicability.

Purposive Sampling is used by determining personal qualification specifying the top central and regional administrators in the Corrections Department. Rationally, this research is qualitative, therefore, the sample size is justified to meet the scope and timeframe as follows:

The Central Administrators

1. Deputy Director-General (Technical Affairs)
2. Deputy Director-General (Administrative Affairs)
3. Director, Bureau of Crime Corrections
4. Director, Bureau of Penal Administration
5. Director, Bureau of Rehabilitation
6. Director, Division of Parole
7. Chief, Division of Parole

In Region, data are collected from commanders of prisons, where absolute inmates are confined of not more than 15 years, which is potential for parole and not impossible beyond duration for parole approval. Among 55 prisons nationwide, sampling has been done on regional-based as following Table 3-1

Table 3-1: Name List of Provincial Prison Classified by Region

Region	Provincial Prisons of	
Upper North	Nan Prae Lampoon	Pa Yao Mae Hong Son Uttaradit
Lower North	Tak Pitsanulok Sukhothai	Phichit Petchabun Uthai Thani
Upper North East	Kalasin Mukdahan Roi-et Sakhon Nakhon Nongkhai	Nakhon Panom Mahasarakham Loei Nong Bua Lamphu
Lower North East	Chaiyaphum Yasothon Surin	Buriram Si Sa Ket Amnatcharoen
Central	Kanchanaburi Chai Nat Nakhon Nayok Pathumthani Prachinburi Petchaburi Smut Sakhon Srakaew Suphanburi	Chanthaburi Trad Nonthaburi Prachuab Kirikhan Pra Nakhon Sri Ayudhya Samut Songkhram Saraburi Singhburi Ang-thong
South	Kra-bi Trang Pattani Phuket Songkhla	Chumphon Narhiwat Phang-nga Ranong Satun

A Sampling has been conducted by provincial prison- based selecting 1 prison to represent the group. Samples are:

1. The Upper North is the Commander of Provincial Prison of Nan
2. The Lower North is the Commander of Provincial Prison of Petchabun

3. The Upper North East is the Commander of Provincial Prison of Nakhon Panom
4. The Lower North East is the Commander of Provincial Prison of Si Sa Ket
5. The Central is the Commander of Provincial Prison of Samut Sakhon
6. The South is the Commander of Provincial Prison of Chumphon

Notes: Sampling the commander has been advised by experts for the best benefits of research

3.2 Research Methodology

1. Secondary Data are documentary research containing books, texts and articles to be reviewed as follows

1.1 Reviewing concepts of punishment, its theories, treating inmates on institutional and non-institutional based.

1.2 Reviewing concepts of parole, its theories, approaches, and probation for further grounds of analyses

2. Primary Data cannot be collected by questionnaire, therefore the researcher uses the Individual Interviews of Key Informants by the structural in-depth interview, which encompasses as follows:

2.1 Opinions of treating institutional and non-institutional offenders

2.2 Accountability and opinions of parole values

2.3 The parole policy in Thailand and criteria for parolee

2.4 Problems, limitations and factual approaches of each step in parole

2.5 Current facilitated factors of parole

2.6 Future picture of parole and trends of approaches in treating offenders of the Corrections Department

When both data have been merged, they will be more precise and gains more opulent communication

3.3 Data Collection

Methodology of Fieldwork Research is as follows:

1. Interview questions has been formed to be as instrument in research. Experts have been asked to review interview instrument on account of this type of interview questions will indicate population and relevancy between question and research objectives.

2. After experts have been revised and improved the interview questions, the researcher has advance appointed interviewees attached with the interview questions for predisposition before interviews.

3. Data has been collected as following approaches:

3.1 Director of Bureau of Rehabilitation (Mr. Somsakdi Rangsiyopas) on 30th March BE 2546/9.00 hours at the Corrections Department with 2 hour interview

3.2 Deputy Director-General (Technical Affairs) (Mr. Natthi Jitsawang) on 31th March BE 2546/11.45 hours at the Corrections Department with 20 minute interview.

3.3 Deputy Director-General (Administrative Affairs) (Mr. Somboon Prasopnetr) on 31th March BE 2546/14.30 hours at the Corrections Department with 30 minute interview.

3.4 Director of Bureau of Crime Corrections (Mr. Kobkiat Kasiwiat) on 1st April BE 2546/13.30 hours at the Corrections Department with 30 minutes interviewing.

3.5 Director of Bureau of Penal Administration (Ms. Priyaporn Srimongkol) 3rd April BE 2546/13.30 hours at the Corrections Department with 2 hour interview

3.6 Commander of Provincial Prison of Chumphon (Mr. Somkiat Kiratiphan) 9th April BE 2546/9.00 hours at the Correctional Institution of Chumphon with 1 hour interview

3.7 Director of Division of Parole (Mrs. Thongbai Kingkaew) 11th April BE 2546/9.00 hours at the Corrections Department with 1.30 hour interview

3.8 Commander of Provincial Prison of Samut Sakhon (Mr. A-thorn Kriaratana) 18th April BE 2546/9.00 hours at the Correctional Institution of Samut Sakhon with 1 hour interview

3.9 Commander of Provincial Prison of Petchabun (Mr. Kris Krasaethip) 21st April BE 2546/13.00 hours at the Correctional Institution of Petchabun with 45 minute interview.

3.10 Commander of Provincial Prison of Si Sa Ket (Mr. Theerawudhi Anurak) 24th April BE 2546/9.00 hours at the Correctional Institution of Si Sa Ket with 30 minute interview.

3.11 Commander of Provincial Prison of Nakhon Panom (Mr. Sin Uttapala) 25th April BE 2546/8.45 hours at the Correctional Institution of Nakhon Panom with 1 hour interview.

3.12 Commander of Provincial Prison of Nan (Mr. Dhanasidhi Panichwong) 28th April BE 2546/8.30 hours at the Correctional Institution of Nan with 1.30 hours interview.

3.13 Chief of Division of Parole (Mrs. Nitchakamol Trairatkhum) 26th June BE 2546/8.30 hours at the Corrections Department with 20 minute interview.

3.4 Data Analysis Process

1. All data are categorized into types, and groups convenient to composition in association to counsel with the advisors and experts during preparing papers.
2. Data are analyzed by the related theoretical and conceptual-based
3. Evaluation from investigation and its findings are used in writing research papers and conclusion

CHAPTER IV

RESULTS

A Qualitative research has been conducted by using interviews in collection of data. Population is 2 groups – the top central and regional administrators of the Department of Corrections.

4.1 General Information of Population

Thirteen of the top central and regional administrators counted for their responsibility being well-informed to actually handle the parole, which are accounted for this investigation invaluable. The general information is shown in below Table.

Table 4-1 General Information of Population

General Information of Population	Frequency	Percentage
Education		
Bachelor degree	7	53.8
Master degree	6	46.2

4.2 Results of Treating Offenders both in Using Institutional and Non-institutional Treatments

The population unanimously agrees that the institutional approach used in the Department of Corrections, "...even in the past prisons have been widely used on account of there is no measure of deviation. The laws do not open channel for the judges for other method rather than imprisonment. Therefore, whatever offenses, they are criminal punishment and imprisonment become key. This is the critical

problem...” (Document No. 1) “...over using prisons caused surplus inmates and minor offenses arrested have all been under custody into prison. Actually, there should be measures of deviation for those who are not professional criminal. They should not be imprisoned rather than using the probation. Prisons should be fit for individuals required an institutional approach such as professional criminals, or psychics lethal to outsiders. These people can harm others without victims’ knowledge. But minor offenses such as addicts, theft, and negligent offense should not be imprisoned..” (Document No. 2). Approach should be considered in applying an institutional –based in each following area.

Categorizing types of prisons to separate inmates is counted facilitating in treating offenders in order to effectively use prisons suitable to physical and offensive natures. Such area has met different limitations on account of “...since the past to present, inmates are gradually increasing in number since we do not deviate prisoners and they are multiplying..”. “.. say, when inmates are under custody to the prison, we have no prison to separate them. They have to stay in the same cell but by zoning..” Rationally, “...the previous prisons are unlikely constructed to meet the classification of inmates according to technical affairs. Meaning, the past will emphasize control even having philosophy of corrections but construction has not met group inmates or individuality. Therefore, problems of uses were found. The style cannot meet the philosophy of corrections for the group and the individual. Also, classification has been made, the prison cannot actually and totally separate by principles. Some problems of treating inmates is likely to be found...” (Document No. 6). In case of the provincial prison, a commander says, “..Currently, we follow technical principles but practically we can the inmates since we find no lands. Formerly, Chumpon prison had 12 rais, when it seemed large enough. But in present, we accommodate more inmates, where we cannot zone them. Actually, in dormitory, we can separate them into corners since it is a hall with capacity of 150 inmates. This group should be at right, and that group should be at left and can circularly walk to meet each other..” “... Categorizing helps prevent behavioral transition since crime begins from theft and later develop to robbery total. Even to become robbery total , it requires motivation, and gang. This is the perspective that ordinary people see that inmates are graduated from prison. For example, an old prison in Chumpon; immediately after walk down

the dormitory, they all will flock in the ground floor, dining, and bathing, working, which is hard to separate like in foreign countries. It also depends on budget and planning...” This is not the only problem found with adult inmates, but.. “..There are other problems in the Juvenile Observation Center, which does not cover every province. Wherever, there is no cell, they are sent to the prison. Say, in Chumpon, we accommodate 14-15 age juveniles admitted into the prison. We have attempted them to be bailed out because Chumpon has no Juvenile Observation Center. Then in the dormitory, we cannot separate these juveniles only alteration is used when they deescalate to ground floor..” which “ ...new prison is solvable..” (Document No. 13). “...At present, the prison constructed is spacious to accommodate school, sport-grounds but inadequacy of personnel will not be increasing. A large prison but not fully used. Thai model is unlike foreigners. In abroad, a private cell is provided for each inmate which make them more liberate than Thais..” (Document No. 6).

Detention to prevent escape is key in the correctional jobs. Rationally, if there is escape, it affects internal disciplinary affairs and social peace, which “..Actually, the prison has 2 duties, i.e. custody to prevent escape, and corrections. Currently, in the past we can afford only custody...”(Document No. 3). The Department of Corrections.. ”..ability to control unwanted people into the restricted prison..” by “.. whereas, these inmates are confined, they will likely offend disciplines. But when comparing to society, while detaining we can protect all whatever things and when they live outside the community reject them, it is weak society, and does not care and rejects them. They have to re-offend..” (Document No. 5). “... Even the Department of Corrections organizes the contest for best prison but with the surplus number of inmates causing all suffering and want to leave. We must build homelike climate to prevent their escape. However, the assumption is that nobody wants to live in a restricted area. Confinement is the legal punishment but imprisonment requires behavioral improvement so that they stay and protect them. Also, they must be ready to enter community. Our job share behavioral development. It is seen that our staff has no lethal arms but a baton. Actually, we cannot fight inmates if they revolt. However, it is good that they know their code/ they know themselves excluded rule violations..” (Document No. 4). It is concluded that , “...For the moment, we can likely control them but week in corrections...”(Document No. 3).

In part of corrections, which is counted key principles in treating offenders with institutional-based, it is the activity focusing on inmates are able to return to community without re-offending. Training them is confused on offenders rather than offenses, which "...Previously, we accepted that an-eye-for-an-eye is anyone who steal cattle, it will be enslaved to compensate the cattle. The present punishment is not retribution rather corrections. Rationally, the existing punishment under criminal law defines that the criminal offense uncorrectable needs to be radically extradited from community. Therefore, execution is used. Later, the Criminal Codes Article 18 provides opportunity for corrections, i.e. imprisonment, whereas confinement is another duty of the Department of Corrections. Fining, if unpayable, it will be met with detention, and confiscation of property is excluded. The Department of Corrections imposes prison as key on the basis. Therefore, trends of punishment is changed to imprisonment and opportunity granted. Rationally, a person will not die in prison except the aged. Most inmates are 25-45 years. The imprisonment is not a total extradition from community but to correct an offender to become good. To what extent, it depends on the process when we will further observe.." (Document No. 4). Therefore, "...The prison should be a place to control people with prison system for corrections such as a professional who habitually offends, or a psychic, who is harmful to outsiders, they can harm others without others' knowledge. But minor offended persons such as addicts, theft and negligent offenders should not stay.." (Document No. 2). It is accepted that the Department of Corrections, "...cannot completely correct inmates. There is limitation on the imbalance between inmates and regulators..."(Document No. 3). At the meantime, the correction and rehabilitation will be effective when, "...number of inmates should be lucrative for corrections rather than 1 regulators with 50 inmates, the corrections are impossible. Therefore, every process requires its own essence. If it is minor offense of less than 2 year terms of punishment, it can be suspended and deviate them to probation rather than prison. Rationally, in prison there are not homogeneous, where dependency on regulators is unlikely, while inmates of not more than 2 year term are numerous, how can we deviate them to another process and confine those really require prison..."(Document No. 4).

The institutional approach can be concluded that, “.. Since the past till present, the institutional approach used by the Department of Corrections has already been improved to standards based on principles of criminology and criminal justice to keep abreast with the developed countries. Practices to meet the lowest standards of the United Nations based on humanities and accept outsiders to share rehabilitating offenders are growing as well as exposing prison more to outsiders. Recently, it is found that the inmates are drastically increasing causing over capacity of the prison, then treating inmates is unlikely covering..” (Document No. 11). Contemplating “..by principles, it seems that the Department of Corrections of Thailand is rather advanced observing by the modern Correctional Laws and quite superfluous ..” (Document No. 6). “...Using imprisonment contains key objective on corrections of offenders focussing on behavior rehabilitation but it is unlikely on account of some are sentenced for long term and some are short term. The behavioral rehabilitation using imprisonment is not universal with different restrictions counting on personnel, place and budget. It is unlikely effective and only extraditing offenders from community..” (Document No. 8).

The non-institutional approach is another measure to handle offenders replacing imprisonment on basis that the prison system reflects negative impacts to both offender and community in general in many ways. The later concepts are aware that offenders confined to prison are defective in personality and in social. There are 3 levels in using the non-institutional approaches.

Level 1 is the deviation from the criminal justice.

Level 2 is to enter the criminal justice and used the imprisonment, and

Level 3 is after being imprisoned but with grace-giving or conditional release

In each level, the population comments that

Level 1 is beneficial in terms of case reduction filed to court and offenders who deserved this level are such as, “...negligent driving should not enter the criminal justice by deviated to other methods to be more cautious in driving to be ushered to public works or to compensate community. They may be re-trained for driving or cultivated on temperament and behavior..” (Document No. 6). And the results show that, “...since it is the level that we do not want to label them and the person without being labeled can be reformed to be a good one because it is the condition to remind

oneself and one can live peacefully in the community. This is the best thing. Whereas, entering the criminal justice it labels and evermore being imprisoned should cause incalculable damages ...” (Document No. 5).

Level 2 is the level to be concerned, “...recalling that to prison or not should see that a person whether the person should be imprisoned or it gains negative or positive outcomes. It should therefore be deviation by using probation..” (Document No. 2). Besides, this level, “..It first requires screening to finalize legal results. When the finalization has been reached the deviation offenders from prison for better result on the behavioral rehabilitation focusing on compensation of offense by best contribution to public such as the compensation for the victim..” (Document No. 8). And, “...community resources might be implemented, i.e. family institution, religious institutions and people in the community to participate in the rehabilitation....” (Document No. 11).

Level 3 is when considering criminality, “..the negligent offender or without intention is not counted as criminal. Criminality in this sense is intentional deed, it should impose Level 3 reflecting victim and community then corrections, and release them to community..” (Document No. 12). Besides, the population views the prison affairs that, ‘...the prison will help correct and improving their behavior to become good persons whether in disciplines, and promotion are to persuade them to return to do good deed as for faster acquittal. In the future, they will have occupation for their earning outside. Inmates who have been screened with well behaving and remain less punishment, should are allowed for parole and reduction of punishment term...” (Document No. 13). And by rationale, “..Being in prison, a key process is the removal, which is preparing their readiness for release. For example, if there is no release before term of 10 years, it must be 10 years. They are in the dark and go out to meet the light, they cannot adjust. Immediate change from dark to day, they will get lost. If living is experimented before release, it is like to get under control. If they offend during the experiment period, it is possible to return them to prison. With immediate release, the community must be responsible, and the Department of Corrections cannot intervene because no laws is cushioning in this matte..” (Document No. 4). It shows that, “.. releasing inmates with conditions, we can pursue

them. If by release, we cannot. This level is likely secured for community rather than Level 2..” (Document No.10).

Most population comment on the implementation that, “..All levels are similar significance, depending on each offense, when at present, many more people are offending. How are we releasing them, which corrections become difficult. If we release persons who have been corrected the rest are required processes for correction. It is useful..” (Document No. 4). The handling depends on offenders and natures of offenses, However, “.. Our criminal justice lacks social information of offenders to be attached to court examination. For example, it is found that some inmates locked in the Department of Corrections if traced back their background they have re-offended. Sometimes, the court finds no information to add punishment under Articles 92-93. It sounds to have social information for examination in some cases or some offenders..” (Document No. 6). And, “..The prison should be seen as a hospital, i.e. these persons are sick and must be admitted for treatment. After being cured, they should be discharged rather than keep them. This would be relent and if cured, the y should be released...” therefore, “...all three levels must be sued but balanced..” (Document No. 3).

However, if the offenders are treated by institutional approach and each being confined till completion of terms, it will not be positive for both offenders and the Department of Corrections. There are many reasons, such as inmates will spend lives a day aimlessly or hopelessly. It only causes tension and indisciplinary behaving affecting more difficult supervision and unable to correct. Therefore, “.. a thing created by the Department of Corrections is a trap for co-stay with reward to replace a good person. For example, the court imposes life sentence, why not for life, because the penitentiary process allows opportunity for a good person. And, the opportunity to faster stay outside the prison contains 2-3 ways. First, the royal absolution, which is inline with the Constitutions that His Majesty reserves the sovereignty to impose absolution. Therefore, we see that in auspicious events there are royal absolutions. At the meantime, it is coded in the constitutional laws, and in matter of laws on Criminal Examination that inmates can submit royal decree for royal absolution. Another matter is the administrative system, i.e. the parole, the reduction of term and absolution are rights but parole is advantageous, which is depended on whether the

Department of Corrections will approve or not. If being disciplinary, and doing good deeds is likely to be released before terms. Therefore, consideration should concern 2 things of release to outside prison before terms at first, and release without later endangering communities. For example, releasing a thief and still stealing, it should not be released. At the meantime, secondly, if being revenged by the victim and still releasing it is counted the mistake of the Department of Corrections. Therefore, in terms of release, it requires to be cautious that the inmates are secured and not harmful. As well as it depends on qualification. The prison is built for restricted punishment while there must be corrections..” (Document No. 4).

A parole is counted a measure of a deviation and. “...it is a measure of penology used worldwide..” (Document No. 2), which is the usefulness that the Department of Corrections can grant parole to inmates, who follow the conditions to the community before completion of term. However, such measure is mixed, i.e. using both imprisonment and later release and turn to treat inmates in community replacing imprisonment for the remaining term. A parole is, “.. a grace-giving of control. Viewing from the penological laws is that inmates are at some period confined in the cell and if having proper behavior for grace-giving to viably adjust to the community, then they will be channeled from the closed prison to the opened prison. It is the grace-giving for the control system for the benefit of behavioral results. Later, it enters the parole system since the opened prison is advantageous to test the adjustment to community. However, whether such deed is fruitful or not, it depends on the classification of the inmates’ characteristics. WE can allow negligent offenders or non-habitual criminal to enter this system for corrections. Sometimes, they have unprofessional cause of offense. They should be treated in the sense of parole better than confining them till the completion of term and curtailing their opportunity. At least, it helps them to adjust themselves and sustaining them their survival..” (Document No. 6).

A key values and advantages of a parole is the behavioral rehabilitation of the inmates, which the population see that, “.. Human, if a chance is offered, and if they are normal, they would sense the offer and the government gives opportunity, which is good and advantageous..” (Document No. 5). Besides, the parole, “...affects behavioral changes of inmates to become good citizen since being screened from the

parole board and before release there is a preparation, which allows them to realize how to follow the condition, guidance for career, and solution for problems and limitations in leaving for outside living. It also includes development of attitudes, morality, and ethics to bear the consciousness to peacefully live together with community...”(Document No. 11). And, “...inmates with parole granting are those undergone some periods of imprisonment with minor remaining punishment term and intend to behave well, changing habit, which is counted morality. They should be given chance for release before term and this simplify the control of the prison regardless hundreds or thousands of inmates. We can trap them to do well. If anyone violates disciplines, and inattentive to work, we have measures of punishment, which is counted the inmate disciplines..” (Document No. 13). But, “..a parole is useful if the punishment is the considerably prolong imprisonment. But the short period imprisonment is useless, such as special parole, which are minor offense with short period of punishment and they are not long released. They gain no benefit from the parole. On the contrary, major cases such as life offense with 30 years of imprisonment and they are confined for 20 years, with the remaining 10 years. Such the case will gain benefit to see the values of the remaining 10 years when they can likely adjust their behavior...”(Document No. 9).

However, most population agree that , a parole, “...is not release criminals for re-offending, it is the release for those who are ready to return to community..” (Document No. 2). Rationally, “..it is found from the study that a parole help reducing lawsuits entering the court. Meaning, during release, only 13% re-offend. But for inmates released on parole or reduction of term are unlikely re-offend because of watchdog. This part is counted not entering court and lessens imprisonment...” “...since , if we release and they re-offend, it is counted the mistake of the prison in terms of the process. A release is under authorization of the Director General but never know how are inmates of each prison. Those who know were each representative and if the prison screens bad person for release and return to offend, Both the prison and the Department of Corrections, which approve is mistaken. The process of our release and return to re-offend is only 0.4% which is least because we are also probing such as releasing addicted inmates back to Klongtoey, which is a mistake but we must probe. We must see that whether the inmates have relatives in

the other area or not. Rationally, during the probation, they are restricted staying and cannot leave the area. We will test that if staying in prison and behave well then the parole must be looked in the prison rather than forward. So, we allow them to stay with their relatives in different jurisdiction. If it is beyond the term, it is helpless to intervene. This process, we think, is not risky for crime but release by term is riskier.” (Document No. 4). And the population say, “..Form follow-up, and I have long been in the civil services of The Department of Corrections think that mostly, when they are give chance of parole, they are usually become good and never return to the prison. In a crowd, it is likely to have re- offenders. Sometimes, they may return to stay with their group of theft, to associate with peers and environment might return them to re-offending. Even , there are but few...”(Document No. 13). Comparing to hospital treatment, “.. a parole is to return to rehabilitation, we must take care and its benefit is during caring there is mentor. If they off-track, there will be someone to caution. IF there is oppression, there are someone to solve, which is counted useful...”(Document No. 3). Granting parole, “...it requires explanation and prove that we are physicians and we have already cure, i.e. they are not criminals anymore. Problem is, whether how much serious we take and to explain to the outsiders...” (Document No. 3). Significantly, “...the Department is likely thoroughly screening since we examine their behavior from the copy of the verdict whether is it critical, harmful, endangering to community or economy or the national security. But if it is personal offense, it is not harmful to community but we will take their finger prints for the Royal Thai Police Office to check the previous frequency of criminal deed for further examining. If being re-offenders and returning to prison, we reject on the basis of disgracefulness. Over 3 times re-offending is counted the professional criminal...”

4.3 Results of Studies on Problems and Limitations of Parole in Thailand

Even, the parole has been imposed in Thailand, however, the previous implementation by the Department of Corrections is unlikely. It cannot meet the solution of reducing congestion in jail in association with being the critical tool for

improvement and reforming habits but unable to maximize its benefits. The population comments of those causes and can be distinguished as follows:

1. The Problem of Inmate Qualification for Parole Approval – On the basis that the parole is a measure coded in the Penology Act BE 2479, Article 32(5) and by legal principles, it counts, “...international principles..” (Document No. 1). “..Actually, the Acts state that subject to punishment of one third but the ministerial rule state that subject to two on three considering the one third is too early...” (Document No. 2).. The population view that, “...for the criteria in Article 32(5) is likely since the parole is advantageous rather than rights. The advantage to compensate well behaving, enduring, and progressing in training. Meaning, being confined, it is not meant that there is no progressing and misbehaving, then the parole is rejected. For example, before entering prison, they earn the secondary level 6 but with persevering, they are baccalaureate of Sukhothaimathirath University. It likely shows progression. Not all inmates deserve parole but it is the advantage considered in case by case by the Department of Corrections for those who behave well, progression in training, or doing favor to the civil services. At the meantime, there must be a benefactor otherwise rejected since probation is required. Therefore, Article 32(5) is advantageous for inmates to either accept or reject. ...” In part of the Ministerial Rules, “...considering The Act, Article 32(5) coded that subject to one third of the punishment and in case of life sentence, it is subject to not less than 10 years but it does not mean that if being sentenced for 30 years and having been punished for one third. Most inmates usually inform that they have been undergoing punishment for one third, i.e. 10 years. Therefore, the ministerial rules stipulate that besides well behaving, the inmate classification is also considered. If they are the excellent inmate, the chance for parole is not more than one third of the term. The very good inmate is not more than one fourth, and the good inmate is not more than one fifth. However, there is a practice that the probation is not exceeded 5 years, which shows the remaining punishment is not more than 5 years for parole. Meaning, if the remaining punishment is 6-7 years, the parole is rejected since the probation of 5 years is not the legal matters. It is counted as mode of practices proposed for approval by the Ministry in principles that it is the proper duration for probation, and not too long. Besides, it may affect the budget, since supervision over 5 years,

requires budget to pay the probationary officers. To this point, the inmates of prolong punishment, such as life sentence, imprisoned for 21 years and remaining 9 years arguing that whether they are matched to the criteria. Yes, it counts that they are in terms of one third, fourth, and fifth. However, we have locked the timing of probation for 5 years. And, sometimes, more prolong punishment inmates get awe that chance for them to parole is unlikely but the less punishment deserves faster parole and likely shortening confinement. Therefore, the prolong confinement spends more before parole granted. Some become old in the cell. Some over aged should deserve parole but seeing the remaining punishment of 8-9 years, their paroles are rejected. They have to wait till remaining 5 years. It needs thinking over..” (Document No. 6).

With regards to types of punishment, The Department of Corrections, “..has frame as criteria whether which case is likely improper to get parole. The criteria are initiated by the screen board and flexible. We have adjusted to its appropriateness of the social situations. However, we have key cases to be as criteria in screening, i.e.”

1) Lawsuits of the national stability and economy such as war weapons selling, fraud ID ring, illegal foreign labor, fraud banknote,they endanger the national economy.

2) Every lawsuits of the monarch institution

3) Lawsuits of narcotic drugs, our criteria must check from the Narcotics Counter Commission that it is not the key trafficker or the setup quantity of narcotic drug, which can be adjusted to situation. As of now, the parole will be approved if Yaba is not more than 200 tablets, Heroin of not more than 5 grams, Opium of not more than 50 grams, dried cannabis of not more than 1 kilogram, Fresh cannabis of not more than 10 kilograms. Even if possessing a bit of narcotic drug, but being informed that it is the crucial criminal, then the parole is also rejected.

4) Lawsuit of sexual abuses will be examined in case by case, such as if abusing victim under 13 years of age, or victim being inheritor, or a disable or by harassment, or being recruiting, and inducing for prostitution, will be rejected for parole excluding under the consent of the victim, which is counted as grace giving and subject to case by case.

5) Lawsuit of crime against person will be examined on its violence such as snatch and homicide, hired gunman, who is counted unrelated to the victim but still committing for rewarding. The parole is rejected for the hired gunman.

6) Lawsuit of property crime will be examined on professional behavior, or more than thrice lawsuits of the same offense, which is counted robber by profession, or embezzlement of people and the less –opportunity for foreign workforce recruitment. The parole will be rejected if there are many victims or big amount of fraud, or the case of kidnapping, or theft of Buddha replica, or significant antiques of the nation.

7) Lawsuit of environment and the natural resources-in case of forestry, it is examined on nature of traders, or rings rather than hired persons.

We scope the flexible frame and deploy the board to examine each case. Even criteria has not been met but by grace-giving such as critical sickness or prolong imprisonment, or suffering family, or underage offender, or aged offender, or having been rehabilitated, which are grace-giving for approval or disapproval.” (Document No. 6). However, it depends on the social situations on the basis,, “..Sometimes it can be changed. Sometimes rape is so hot, and release should be improbable and we will never approve. Later, we never release the leading narcotics traffickers. Therefore, to specify offense is depending on the situation such as rape. However, the board can reconsider. Mostly, we never fix offense such as murderer, whom sometimes is released but if with vicious deed, its parole is rejected such as continuous murder, which is behavioral rather than any offense-based such as negligent murder....” (Document No. 1). Most are professional criminals, “..It depends on social and victimized perspectives. Such behavior cannot easily be compensated and victim’s thought is counted..” (Document No. 12).

2. Problems of Investigation: a setup process when inmates fulfill qualifications and parole has been approved. This is the prison level, which “...Under the Improvement Acts of Ministry, Departments, Division to transfer the probation (including social investigation) allowing the Department of Probations to pursue whereas, the prison process is only to submit lawsuit information using Format Sor 1-46 to allow the Office of Probation exploiting as primary information for investigation..” (Document No. 11). Before transferring the probation jobs, it finds

problems at the investigation process that , “...it is in the remote area. As it has been informed, our officer are inadequate to handle such cases and probationary volunteers cannot be establish to cover all sub-districts. Some areas of Petchabun Province are so remote in the hills such as Nam Nao, Khek Noi, and Khao Klor, where it is so distant and risky to reach the area to work. Investigations are unlikely to such cases. Sometimes, their relatives reject parole inmates because having ever troubled their families. It finds difficulties to seek the residence after parole, which bounce the problems to the prison...” (Document No. 9). Some prisons face the personal problems of inmates, such as, “...Samut Sakhon Prison faces the problems of foreign inmates. Parole cannot be granted because it is impossible for investigation and have to wait only for acquittal. It becomes the burden for this prison..” (Document No. 12). And sometimes, “...We have issued letters, and there are no problems with government units but if delivered to the Chiefs of villages or sub-districts, where they sometimes do not understand, or comprehend the objectives and the inmates are disgusted the villagers, so then they are unlikely to accept only if villagers are harmonious. Sometimes, the affairs take so long when the prison have to call or visit for explanations so as to finalize the behavioral investigation. We must listen to other government units and villagers since parole inmates stay with them...”(Document No. 13).

3. Problems of Documents and Evidences: they are required for parole in terms of examination. Many documents are vital. It counts to be the problems of management. Problems is unfound with prison but from outside units involved, which, “...copying verdict with many pages and its expenses, if possible, the Department should coordinate with the Ministry of Justice to the case of final judgement to deliver a copy of judgement with the court warrant for imprisonment admission. The budget must be raised by the Department of Corrections otherwise details of lawsuit will be earn only from inmates and it is doubtful for reliability. Had the copy of judgement been attached, we should find all details even behavioral offense, and its causes where we must request in each case and the prison personnel must do it in personal since inmates are admitted with a piece of court warrant. At present, we rely only with the inmates’ testimony and facts are doubtful..” (Document No.9). In parts of evidences, “...to prove admitted prisoners who is unknown whether

they are the same person is quite. When Mr. A. arrives, we admit him, WE do not even know who exactly Mr. A is. At least we should have more documents and evidences of the inmates such as ID cards of 13 digits to request for 30Baht Medical Treatment Card. Therefore, we cannot justify the authenticity of a person. With finger prints, it just confirm our admission. They can endlessly change their names with the new admission to avoid re-punishment or additional punishment from the court..” (Document No. 9), which, “...the exact point of problems is using our finger prints to check criminal records takes a month and in part of judgement copy, it has to wait and see its finalization, which keeps us awaiting. Even if our prison plan for 6 month ahead but slowness is likely found with other units. Sometimes, we ask their relatives for helps to meet police and the chiefs of villages fearing slowness with doing alone. Heaps of paperwork are required and sometimes, the inmates have been already released...” “... the case of the criminal records, it takes months. Calls and it is found immobile, and no changes. Some cases are too old and cannot be found its judgement copy with comeback bare-handed..” (Document No. 10). And, “..When all documents have been fulfilled, they are submitted to the Department of Corrections. We have to explain the inmates that parole will be approved once month and if documents can be submitted at the beginning of the month, the approval may be finalized at the end of the month. And, “... if we have submitted after the parole board meeting, the examination will be moved to the second or the third month, then inmates will be suspicious. For example, the recent parole takes only a month and a half, but the present one takes more than 2 months. Inmates think that it requires bribery then the Chief has to often clear the causes since the board meeting unmatches with the submission. Then, questions raised why it cannot be submit at the time of board meeting. For example, a batch of 10 in Chumphon Prison but 5 can fulfill the documents and evidences, we have to submit those 5 and the rest we have to inform inmates of the incomplete documentation. Some we can follows but some not, therefore, we ask their relatives to pursue. Explanation has to be made for inmates in this part, otherwise there will be complaints like many prisons fail to explain for understanding where they often meet complaints since it involves the personal advantages of the inmates. Everything must be clear between the recipients and the giver...” (Document No. 13).

4. Problems of Transferring Probationary Jobs to the Probationary Department: most population relatively agree, "...There is no problems. We are cooperating since both departments are under the same ministry, collaboratively, and coordinately. In particular, in every province, the Department of Corrections represents Ministry of Justice..."(Document No. 12). But, "...during the turn duration, there would be some problems where the Probationary Department supervise inmates of not more than 2 years terms under the process of pre-imprisonment. Now, they have to supervise the pose imprisonment for severe punishment process and some are charged of execution, some are 20-30 years of imprisonment. Problems are likely.." (Document No. 4), which, "... different problems are found at first. Problems are haled by meeting of both parties to share each problems as well as solutions, which most are likely resolved..." (Document No. 7). Problems in part of prison, "...Sometimes we release inmates and they report themselves at the office of probation but documents are sent by mail which arrive after their self-report..."(Document No. 9). Which, "...actually, the probationary staff are all employees, and most are female. Inmates are male. We admit that when they come to the prison, we have to help, securing them. They are frightful since inmates are still confined. IT is different from outside working probationary staff. Even our officers who are familiar with them cannot anticipate, and doubting about a short period visit of the probationary employees. Problems of advance coordination are sometimes found. Many times, the probationary employees arrive without notice when we cannot be ready. When, probationary job is not yet transferred, we can do at any time even Saturdays and Sundays. After transferring, the bouncing of investigation and information will be witnessed. Sometimes, clear communications and working are unlikely coordinated. By approaching, some problems are still found, it might be still new...." (Document No. 10).

5. Problems of Personnel: The indispensable problem of every government workplace is the inadequacy of workforce to meet the increasing workload particularly in prison. The commanders of jail say, "...personnel is inadequate for the work. Some must work 2 jobs. It's toilsome. For example, only one is assigned to the Separation Job in Chumpon, where at least must be 3 also as for the follow-up job. And, this has to work another job too..." (Document No. 13). Some prison, "... there

is only one parole officer...” (Document No. 10). And this problem, “...will be witnessed in the provincial and the district prison similar to Chumpon. The central prison finds no problems, since their personnel are numerous: a-man-for-a-job. I have ever been assigned to Klongprem and there are 4-5 personnel have been assigned to Separation Job. On the contrary, in Betong, there are a Chief for Penology Affairs and a subordinate. Both run every affairs. The Betong Prison houses 10-20 officers. Contrariwise, the records officer is high quality since he knows all; a jack-of-all-trade but fails the follow-up job by overloading...” (Document No. 13). Considering the personnel of the Department, the parole jobs overflows the personnel, “...an OT is used on sympathizing those who are waiting, their relatives are in anxiety but we try faster...” (Document No. 6). “...we have around 10 personnel, who never meet the break to meet the prisons nationwide. Each case must be examined for its probability of the criteria. We never target only 100 cases for this month. But the most is the best for us. We race to drain people. The only current laws securing the congestion is the parole...” (Document No. 4). Rationally, “...with the increasing inmates but inadequacy of personnel and few. We have to run after the works. Had personnel been more, the job would have been better and it is positive for the Department of Corrections. Rationally, we are not similar to a school where we can screen attendants, we only admit. Later, we were informed that no personnel is available, and the government cannot pay. These are the limitations..”, which, “...previously, when the probation has not yet been transferred, our investigation officers must work as regulators in prison. When there is release, they work the multifaceted probation job. We are helpless to output the good job...” (Document No. 4). Further, the qualification of personnel, particularly those who stay with inmates, it requires, “... seeking the weak point of the person and it is correctable. For example, some have mothers, some have wives, and some have children. Rationally, if the strategic spot is raised, correcting criminal is possible. Wait.., you may ask why does the Department of Corrections not do?. It is impossible, the allocated personnel complete only vocational certificate. Question!!, whether do any vocational certificate study any psychology. Never and None. It is the mountainous problem that the government and people ask us to shoulder. It turns allocating non-psychology-based personnel to work. Questioning that then what is expected from the Department of Corrections?.

Therefore, the government and communities must pay better significance to the Department of Corrections..” (Document No. 5).

6. Problems of Cooperation and Supports of the Benefactor, Community and Society: The parole will be achieved, it requires benefaction, community and society to cooperate and support besides the parole share the correction process by the community. Problems arisen are explicable in 2 parts, i.e.

6.1 The Benefactor: The populations say, “...we fear that relatives reject benefaction and if there is none we will not release otherwise inmates will be adrift, no where to go. Significantly, their relatives are required cooperation in benefaction...” (Document No. 2), which, “...the benefactors will supervise probation for the conditional parolees...” (Document No.11). “...It is obvious for the people that, Heh! , only a short stay in the prison, and release. They think that the prison is authorized to release. Some ask, whether can they be released because the father is sick. They do not understand. Sometimes we grant the reduction of terms, suspension of punishment and public works to drain inmates and to avoid prolong imprisonment. Outsiders see that we hurry releasing criminals. It is because we lack public relations on the parole and the non-institutional approaches...” (Document No. 10).

6.2 Community and Society: The populations say, “...At present, when we release inmates. Outsiders observe that , why 10 years but only 7-8 year imprisonment. What does the prison do to release them so early. It reflects that , people are still misunderstanding the criminal justice and some inmates are rejected by the community. Besides, inmates with tattoos are disgusted as jailers, which identify their jailership. At present, the prison is restricted in the matter of tattooing..” (Document No. 13). “.. if the community is strong, the parole will be achieved. When, we release inmates to community and if it is weak, they will say...Oh, no. Here he returns. But if the community is strong, they will say let him come. They can purify the wasted water. To allow the community accepting, the community must be instructed particularly, the community leaders must clear the understanding with the community. The community must establish foundation. We must select good persons to be the leader not the hooligan with open arms to embrace their gangsters. A good community must have a good leader. It is the foundation of democracy. If we have a dedicated leader, all will be good. It requires us to cultivate mutual empathy, selfless.

They are the social problems...” (Document No. 5). “...If the community and society must understand the objectives of parole, they will support (Document No. 5) and assist with the honest occupation and accept such persons to peacefully enter the society allowing the parolees moral support to happily return to society...” (Document No. 11), which, “...at present the criminal justice handled by government even though it is the social burden, in general. For example, a person knows which home sells Yaba but refuses to notify police, which is contradicted to some community. We have grown up from the evolution community having governor and boss. It is contradicted to them growing among collective people to form a community and helping to protect it. But it turns contradictory. We are top-down, they are bottom-up. Actually, all share their society in self-protection. It’s our duty and the police cannot prevail for all..” (Document No. 3). Some population comment on parole that, “...it is previously unsuccessful because the penitentiary officers do not understand rather than people. Actually, there are many ways to inform people but we don’t know how to tell them. Rationally, what have been done is mandated by the Department. WE follow the order but rather than contemplating the essences of the parole why should there be parole? Why must the Department must mandate? We should have changed the way of thinking by allowing the prison to contemplate under the authority and technical principles and the Department monitors only. Previously, the Department mandates, and it is lifelessly done, and what for. We just follow the order and the problems are more on our side..” (Document No. 9)

4.4 Results of Studies on Recommendations and Guidelines for Improvements of Parole and Proper Treating Offenders

By the studies, problems and limitations on parole are considerably found in Thailand. Some big matters are beyond solution, they connect with the Ministry of Justice. But some small matters require just some factors for solution. The population of this study points out problems and solution either by personal comments or connected with the policy of the Department of Corrections, particularly concerning parole. They further comment that, “...at present, parole is the cabinet consensus and

a measure to reduce lawsuits entering court. It counts if releasing inmates by parole in association with probation is in a sense that we have treatment process for offender by community. Through this, there will be few re-offending. A quantity of lawsuits entering court will be reduced. Therefore, parole is postulated as a measure reducing lawsuits entering court. Also, the cabinet consensus is that the Department of Corrections must increase a quantity of parole but under the effective screening to be accountable that we return no criminals to society. We has built the screening system by exploiting community participation or treating offenders more...” (Document No. 6), “...We are accelerating now since it is congested and we must help ourselves on the process. At present, we are still in the state of self-help since the number of inmates is beyond control. We have prisons to detain 100,000 inmates but there are 250,000 of them. It is impossible to control. Therefore, it presses us to accelerate parole. In fact, officers are not increasing,, which is our limitations. Some administrators say that what they can do at present is only controlling at the meantime, the custody process, distinguishing inmate attributes is under time constraints. Our officers are pressed with different outside jobs...” “...at present, parole is the key policy to handle under limitations of officers. Accelerating in this part requires Study Case in releasing. There must be investigation, analyzing verdict, analyzing whether lethal inmates are addicts. All are difficult. At present, we have developed allowing the governor to approve parole for the Director-General. For example, an inmate of Samut Sakhon sentenced for 1-year term, the governor is authorized to approve parole. There are countless problems but significantly we are inadequacy of officers. We at all time expedite the policy and can be witnessed by the sadistically growing number of parolees...” (Document No. 4), “... At this moment, we want to drain inmates most, sometimes we don't even know that thy are qualified enough. Rationally, at present, there is a tug-of-war between the human rights and the social condition with quality of parole. The human rights see that how can you jail 250,000 inmates which the capacity is only 80, 000 space. The social conditions are the prison is not spacious, no budget, and inadequacy of personnel. Therefore, how should release be most imposed. It shows that it is threading between parole efficiency and other factors. The pressure of release is pressed by mass media...” (Document No. 5). And, the parole is counted, “...it is the only measure of penology

to screen parolees returning to outside society before terms and to reduce the congestion. This is the key policy of the Department of Corrections...” (Document No. 2).

The policy above emphasized by the Department of Corrections is counted as norms to follow and to impose parole. It is counted broad particulars. Details in advantageous solutions of problems have been comments and viewed by population are identically presented as follows:

1. Promotion – it is vital to determine whether the inmate is qualified for parole based on the Corrections Acts BE 2497, Article 32(5) and the Ministerial Rules No. 46. The population points out that, “...The Department of Corrections likely fails in promotion of inmates since we examine only during the period of detention, when they come to sit for promotion test. And, there is nothing much e.g. memorizing morals, and sing the National Anthem. Many prisons have also practiced which it is doubtful to its benefits. Therefore, the portfolio is required to be seriously imposed with inmates that they prove intelligent, capability, and progress in career training and education. Whether within these 6 month-round is disciplinary punishment imposed. These are key to examine for promotion rather than speculating duration of 6 months. There should be documents verified a person potential for promotion and on what causes. Frequent offenders will not be promoted so that they will see the significance. We have already imposed these measures...” (Document No. 9). A comment is that, “...promotion should be automatic and to be effective it should clearly define that when promotion will be made such as once after one third of imprisonment. It requires specific rules. Or it might be specified like one fifth or one fourth of the imprisonment term of the imprisonment term will be promoted, which will facilitate the parole. If promotion is taken in every 6 months, question is whether are they ready. Duration should be better used to determine promotion. For example, prisoners sentenced of 10-year terms and by 2 years they are once promoted. There should either be 2 or 3 classification. Then, when the classification has reached, the inmates are automatically qualified for the parole...” (Document No. 5).

2. The Parole Board – the population observed the improvement of this matter that, “... committee members should be extensive covering many occupational areas to participate in the examination...” (Document No. 2). Proposals are, “ the idea to

establish the Penology council to house governemal and private experts, technical experts, politicians, and NGO to determine the general policy of the Department of Corrections...” (Document No. 3). Committee members are required to contain, “...diversified and specialized...” particularly, the committee at the level of prison, not only, “... physicians to check health, the vitality of social welfare workers, and psychologists, and a chaplain...” (Document No. 4), which, “...a present, we are inadequate of psychologists because they can view a human behavior, and motivation of offense. They can speculate better than others, since they study behavioral sciences. Other will views other dimensions but lack the motivation of offenses, which will not ever know...” (Document No. 9). “...Rationally, we are problem solvers rather than the punishment executors, which at all cost it is not allowed them to escape...” (Document No. 4) also, “...local leaders, the local administration organization, chiefs of tambols and villages or teachers or the Chamber of Commerce should help screening. IT counts that the community realizes problems and parolees to be returned to outside communities. Also, it drive the community to be aware of correcting offenders is not exclusively for the government sector. Communities are turned to share roles in corrections, supervisions and welfare providing to gain integration for parolees to effectively return to communities...” (Document No. 6). Mass media is also necessary, “...to publicize the parole. But at present, we exploit it more for publicizing prison...” (Document No. 10). Also, “...These days, we view whether the quiet processing is meant for benefit-sharing. A parole is likely difficult to decide its potentiality...” (Document No. 5).

3. Documents and Evidences - they are proposed for improvements as follows:

3.1 Verdict Information, “...significant to see is when the lawsuit is finalized, the verdict should be enclosed...” “...all must be ready at the start from counting 1 and all these things are required...” “... we must know that how violent this murderer homicide, how torturing and its causes. They are all in the verdict...” (Document No. 4). But, “...this point is also problematic. We have coordinated with the court but the returned response is the budget problem. The copy of lawsuit is thick and plentiful. Some defend all 3 courts and the paperwork is heaping. However, if document is complete at first, the work will better progressing. At the meantime, at

the point of appeal for parole the document is also requested. The court allows as the appeal from prisoner, where expenses are saved. The prison will ask the inmates' relatives to proceed for expedite...", which, "...Rationally, at the moment our separation needs questioning inmates rather than reviewed from verdict. It fully turns separating prisoner is imperfect.." (Document No. 6).

3.2 Evidence of Personal Records – technology should be equipped for proving fingerprints by "...fingerprint's reading, and scanning. It is much useful to check an individual. Other technology such as computer and digital camera will help the work faster. Significantly, officers must be adequate first, whereas we have few. The computerized connection with other involved workplace helps much, particularly, checking an individual. If we can connect with the Demographic Office, the checking is easier as well as the Office of the Criminal Records to check the historical background of the inmates. As of now, we rely on typing documents for delivery. If there are fingerprint reader and the computer networking, we could paperlessly checking..."(Document No. 9), which "...at the moment, we have agreed with the Royal Thai Police Office that the finalized prisoner sentenced must be attached with fingerprint for the criminal records checking at the beginning and to follow-up the report of police for filing..." (Document No. 6).

The commanders of jail propose that, "...document procedures must be reduced within 4 workplace, i.e. the Administration Department, police, chief of tambol, and chief of village. A single set of document is made for an inmate during meeting..." (Document No.8). In fact, "... to complete all document, we have to wait for outside paperwork when we attempt to reduce procedures by driving that all these document should arrive before that..." "...for usefulness in every matter, ether the separation, or punishment suspension, or reduction of term, or absolution it requires no second request. Here, we have adjusted the system in addition to the duplication. When the Department of Corrections is under the Ministry of Justice, we have raised this problem to the Permanent Secretary and it is accepted by principle to handle this problem. With the investigation reports of the administration division and police, we are attempting to adjust. Rationally, at present, there is immediate supervision under the Department of Probations. We can reduce procedures in questioning where the regulations should be slightly amended.." (Document No.6).

4. Personnel- most population propose on personnel in the same direction that, "... there should be more personnel, it is inadequate to the job..." (Document No. 13), which, "...It is difficult at present since there is no increasing the quota of the civil servants..." (Document No.2). However, The penology job is treating people, "... treating human requires human. We are not similar to the revenue personnel, and unlike the Central Accounting Department which can use whatever means. But for us, it is man-to-man, it is unlikely replaced by technology, and communication devices. Man corrects man. Limitations of personnel should be exempted. The government must invest. Inmates are social risk groups. If they are not supervised and corrected, society in general would be harmful. At the moment, we cannot point out for them to see viability of exemption..." (Document No.4). Some population points out on, "...Examination system of administrator in receiving the policy that there should be any administrators or the commanders of jail to handle or to follow the policy should be inspected the job of the commanders. Only letters without follow-up is useless. For example, an officer is asked whether it is potential and on what basis, the registration officer may not know the basis. But if the officer knows that Mr. A is not potential under being the key addicted traffickers. It should be explicable or if it is not potential because of twice being imprisoned. All these must be explainable. Therefore, follow-up system must also be set. Sometimes, inmate can also check such as, why the name is not on the list, and so on..." (Document No.5). The parole officers must, "...be responsible for the duty, i.e. it also covers ethicality, whether it is beneficial, it must be resumed..." (Document No.5). "...Honesty, and compassionate to inmates, taking interest and pursuing..." (Document No.1). "...Seriousness is firstly required since the process in prolong. And, if it were so, the unserious person would be frustrated till its fulfillment. If being attentive, the knowledge and capability are secondary. Seriousness comes first since actually, the examination is not the direct duty of the prison. We are the mover over the process only..." (Document No.9). and, "...proactive is required and to know when is the proper time, and being analytical as well as connectedness. The parole requires different information to be integrated..." (Document No.7). Also specialized area is required, "... understanding the behavioral adjustment, being the behaviorist with attitudes of accepting and giving chances to people. The regulators must be mentors, and looking for solutions. They are not police

to find fault, but being compassionate, helpful for correction and kind...” (Document No.3). And, “...likely psychology-based, some who are sensational is cheated by inmates. Some of them are really foxy and cunning. An example is that an inmate possesses 500 grams of cannabis but rejects. But from conversations, we are sure, it is the professional since the ordinary people cannot match with it. I even sit with the Chief of the District and questioning. He never admits the truth, even ignorant. But being asked whether having been traded before, he admits it. Then, the fact is clear... Ordinary people may think he would not do. Some plead the royal absolution. It shocks us. They write so artfully as a professional. Those working in this area are required experiences. Innocent crooks will easily cheat new comers. The officers must be super wise...” (Document No.10).

5. Budgets and Technology - the population comments on budgets that , “... the vital budgets for specialized personnel, who will also facilitate other jobs. The government must hire the social welfare workers to prisons. It helps since the beginning not only the parole but it is the dynamic process. Budget must be spent to hire these professionals to screen inmates. If this area is effective, the confidence in parole will be more. But at present, people fear parolees...” (Document No. 4). As part of technology, “...computer is essential. We will immediately realize the qualified inmates,. Particularly, we have to work 3 months before. Therefore, technology is highly significant. It will be difficult if there is no computer. All prisons have computers. Also, this year, from May onward some parts of computers will be networking and by October computer-link will be nationwide. A budget of 150 million Baht is allocated. The first phase is completed in May among the large prisons of the Department. By October, all will be completed nationwide as well as linking with the Office of Criminal Records, and the Administration Department. Later on, the parole will be considerably effective. Computers is highly critical to link between our Department and others involved...” (Document No. 2). And, “...it is accessible to search data of each prison and retrieve inmates of being qualified parolees or to check the natures of the lawsuit. It allows the Department to access the data and to expeditiously drive this part of job. Formerly, we cannot forecast such as the military requires 20,000 inmates and can we provide?. Sometimes, we cannot even know the

data. At the moment, we are on the experiment run and parolees will be data updated, where it will help us work faster...” (Document No. 6).

6. Building Understanding among Benefactors, Communities and Societies-
The Department of Corrections must explain about parole and release before term for people to understand, since, “...every absolution announcement fears people. The ablutio is raised since it is likely similar to parole. Upon formal announcement, there will be proposed for royal absolution. It is observed that, when there will be an announcement, the houses install iron bars, and the glassy fence top is also seen, because they fear these people will break in. People do not understand the process, they are affected by offenses and never think that we can correct these people. At all cost, we must view the entire process how people can live peacefully. There must be factors that if being released and jobless, they must think of how to earn income and then they must re-offend...” Also, “...we can also build confidence to society. Some return to theft, which we cannot interfere. Their lives are beyond mandatory. First they stay good with us but being released jobless and money to expense. Then what would they do. Thinking that the entire process is to solve poverty for human first. There are many. The family planning is also necessary. The under-bridge people house many children. Inmates are mostly homeless by records. After laboring many children, they cannot provide education. An inmate is found being a slum child from many children family, smoking since 10 years, staying among bad society, and bad children groups. He is risky to offend. Why don't we reduce number of such people. Family planning is fruitful; for the upper class but fruitless to the lower. Children are found in lower class, uneducated and they are risky to harm. Therefore, the government must correct in general, rather than the end by the Department of Corrections...” (Document No. 4), which, “...we are attempting the publicizing at least their relatives understand. The department always emphasizes the that publicity is indispensable. Leaflets and documents help explain what is parole. If they know they will better cooperate or assistance from people to give the opportunity for the parolees that human deserves opportunity to adjust and to have job on the basis that being screened by the Department of Corrections. They can return again to society and harmless. People should understand that they are screened people and not criminal any more. They will cooperate. In particular, organizations in a community

will have resources to help parolee survive in a community. It is necessary that the community and the society to understand the parole system where the parolees will improve and never re-offend..." (Document No. 6), Also, "...Later, we have attempted outsiders to observe the inside lives and attempting to change some attitudes that parolees are persons being corrected similar to the Probation Department's slogan "Return the Good to Society." There is a case that the relatives are pressing whether its possible to let him die in the prison because, he will re-offend after being released. We inform them that it is impossible for the prison. We exploit Morals for corrections and at least he will realize what he has done. It proves that they are bad informed about prison duty, which is to correct inmates to be good citizen. We must explain their relatives..." (Document No. 10).

7. Special Parole – it is the policy of the Department of Corrections similar to military camp, " ...It begins in BE 2545 in the Project of People Evolution particularly, addicted inmates with less amount at arrest, the minor traders and those ignorant to follow the government policy of turning burden into dynamism. The school of people evolution Batch 1 and 2 has been completed. They are under pursuance of results. Later, the Prime Minister set the policy to screen minor offenders to be trained on agriculture in the military camp. Batch 1 of 5,000 is just resuming and it is reported that, it requires another 8,000 inmates with this approach. To count this, it shows that parolees are not few in both normal and special parole. Further, the aged and the disable groups, and critical disease group incurable or risky to life should gain special opportunity to stay with their families in fostering before term. 300 special parolees of the aged and disable groups as well as the critical diseased group have been released. Therefore, we have increasing number for both types of parole..." Comparing with the normal parole, "...the special parole is differed in some legal matters. The special parole is based on having been imprisoned of not less than one third but be also specifying the remaining imprisonment. The 2 Batches of special parolees are emphasized on addiction expecting that military curriculum will correct them. Rationally, magnetizing many workplaces to join the Project of People Evolution is the armforces will emphasize correction on the addict. Actually, there are traders, and also possessors and to stay in the military camp for intensive training. The armforces have the fast model for family relation, patriotism. We allow

them to change parolees' attitudes..."(Document No. 6.). reasons of this projection, "...the military sees that prisons are congested and want to help correct addicts. At them meantime, the military own schools and areas for parole with 2 types of condition, i.e. the normal parole imprisoned by two third and outside stay of one third for those special parolees. Admitting paroles for the School of People Evolution that has to be one third imprisoned and two-thirds for outside stay for the alteration. Why is it so? Rationally, among the parolees, they want the addicts to be encamped for disciplinary corrections. But these parolees are not normal and it cannot be waiting. Therefore, they are required pre-release. At this point the laws allow us to impose special parole to drain the corrected inmates. At the mealtimes, addicts are counted as patients. It helps improve congestion. At first, we ask the armforces to train them in prison or using military camps as temporal prison. But the armforces reject on account of when release for parole, the parolees are not under control and it is not necessary to use regulators if using military camps as temporal prison to drain out our inmates. If there is escapes, the armforces will have to be responsible. The law is stipulated. Therefore, releasing special parolees and it is not mistaken that the armforces are the regulators. Therefore, they exploit parole system allowing the legal release to deserve parolees only..."(Document No. 4).

There are limitations selecting inmates to join this project, "...a special parole cannot normally screen inmates because the armforces will fix the number and the prison cannot in details enough screening parolees due to time constraints. This is because, we have unready documents and if we have some extensive period we should screen better. After, we have screening, and a month later, the armforces want another 5,000 parolees. The screening period is likely constraint..." (Document No. 4). And, "...when we move numbers of people, we are worried about the screening process. It we emphasize numbers, we fear unlike quality. We must emphasize better measures..." (Document No. 6). The commanders of jail propose that, "... wishing there is advanced notice to screen the qualified inmates and transportation basically, every time, it is urgent. The readiness is not met and there would be some mistakes of both screening and transportation..." (Document No. 8).And, "...some truants are also found with this project. Therefore, we require improving screening inmates to be selected to this project, whether they are enduring. They will be admitted if they are.

A gangster head has been permitted to join the military camp when he returns for self-report, he drastically changes with better behavior. It proves that this project can truly rehabilitate inmates' behavior. We believe that he undergo good training. The military training contains diversification and 25 Baht higher budget than us. They get 200 Baht a day, I suppose. It's quite a different. Further, they are more expedite with surplus forces..." "...But they specify only the male inmates while the female inmates are also facing congestion. Some have to adjust into double deck. The actual capacity is only 30 but 200 inmates are admitted. This project helps draining congestion and faster adjustment to society better than in the prison where the regulators are familiar with inmates..." (Document No. 10). Further, "...it should improve increasing punishment from 3 years and 6 months to not less than 5 years for the remaining punishment, when they can gain special parole because special parolees will increase..." (Document No. 11). Satisfaction of effectiveness and efficiency of the special parole gain the similar perspectives from population, "...It is satisfactory since the re-offenders are not more than 10 %. It is in the satisfactory criteria. It seems that the special parole is fruitful. Improvements should be intensive, emphasizing withdrawal and mentoring care. Problems are after release, we do not follow-up them counting that they are acquittal. They may return to the previous place, meeting the old guys, and being persuaded for uses. There should temporal society for them to stay, i.e. we attempt to help by forestation, which we will begin in not so long. We will take the release from military camp for forestation temporarily keeping them away from previous societies to forestation another year with salary, residence to deviate them..." (Document No. 2). "...The satisfaction of the Department of Corrections is prisons have more space since 5,000 people stay in the military camps with some are not fit for special parole at least different government workplaces share responsibility to these people. Armforces defending the country share and collaborate with government units. Also, we have to accept than the prisons are congested and we cannot bear it alone. Our disciplines are less rigid than armforces. Therefore, those who have been trained in better process of disciplines will be better. The Department of Corrections regulates discipline but unlike the military..." (Document No. 4). It is, "...the outside workplaces help sharing the burden and allowing the outsider as well as common people to realize the problem of prisons and turn to help. Further, there

will be better coordination. With the satisfaction in the achievement of this project allowing the parolees being trained by the well-informed personnel with both the short courses career and disciplines. It will cultivate parolees after release to return to society with effectiveness...” (Document No. 11).

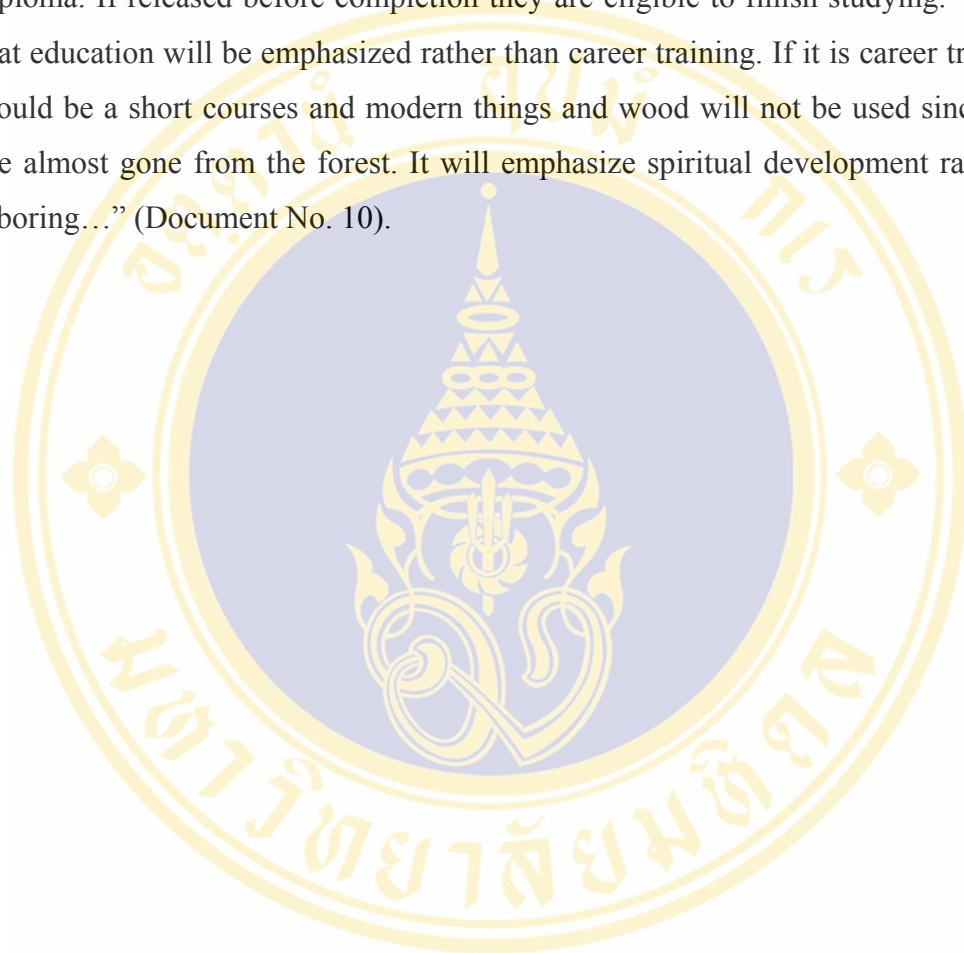
Population has differently envisioned the picture of future parole, “...thinking that the parole system will couple with the institutional approach. Parole system is required with later the screening system for the confidence of releasing people. While officers are limited to job, if the government prioritizes and increasing their numbers as well as all officers have the same integrity in works with the same target and collaboration such as the training section does not withhold its personnel. If it is time to leave is to leave and the process to connect the Department of Probations. IF we release and the Probation Office can continue working, it means that the parole is better. In particular, when there are workplace to cushion in the assistance like the military, It will be better...” (Document No. 4). “...it should be more, and the condition should be simpler and more convenient with the specific officers...” (Document No. 8). “... In future, the parole of Thailand will be popularly used and acceptable to societies. However, it requires publicizing the better results of parole. And, at the meantime, examining parole should be effective and serious good causes...” (Document No. 11). “... I believe that there will be more parole, less uses of prison after addiction punishment can be lifted away the remains are minor offenses. Thinking that, the parole helps inmates much with such lawsuit and there will be new models that will be extended to provincial level to be come more integrated...” (Document No. 10).

Part of trend in treating offenders of the Department of Corrections in future, the population comments that, “...prison will be exploit for only critical criminals, while the minor case will be deviated from prison...” (Document No. 1). “... We emphasize imprisonment is for only lethal case like the professional criminal or psychics to stay till it is ensured that they are rehabilitated for release. They require longer period than common people. It requires them the institutional approach but the minor offenses is not required to stay in prison...” (Document No. 2). Regarding procedures, “...Currently, we are driving to treat offender with more non-institutional approach. What the ministry emphasize, we take it as priority i.e. effectively

separating offenders to prevent divination of behavior. Further, we attempt to exploit private sector to involve more, i.e. threading outside resources. What we emphasize or direct is opening prison to society to thread society sharing such as career training, similar to the military camp to treat offenders, or reduction of term, more parole release and using more probation. Temporal prisons might be established or larger correctional institutions emphasizing career training seriously for the better advantages...” (Document No. 6). Besides, “...allowing the criminal justice and correctional job theoretically work professionally...” “...that is our humane-based duty i.e. respect each other. Currently, prisoners are poor and likely preferred treatment or persons entering criminal justice are not wealthy while the rich and high potential in society can escape. Many things the criminal justice cannot immediately change to meet the society, particularly, economic crimes, and computer crimes acquittal...” (Document No. 3). “...Thinking that there must be serious separation of inmate attributes. At present there are surplus inmates and it is difficult to separate all. In the idea, there should be prison to detain specially for defenders since laws still count them as innocent and the finalized lawsuit is separated to be imprisoned. Wishing to see the officers handling them with compassionate and empathizing the imprisoned excluded the critical offenders who must be completely separated. The inmates charged for check lawsuit should not stay with murderer or addicts. However, it cannot be done since we are diversified. Significantly, we cannot distinguish or separate like Singapore, which has prison for court. When a lawsuit is finalized, the prisoner will be separated to the prison. Therefore, there is no preference in treatments. At present the finalized prisoner and the innocent are co-staying. Even we have the human rights laws, the officers are risky to be charged. However, we would like to see the prison the last resort for good conduct persons at average. No tea money but with internal morality with empathy and compassion...” (Document No. 4). “...It likely requires the nature of rights restrictions in some parts and compensate society or victims at some extent...” (Document No. 8). “...Future trends are still emphasizing control and rehabilitation as well as more people participation. The prison will open more than present. The prison should be the major sources of learning and career training for inmates. Further, personnel should train for effectiveness by recruiting to work in the Department of Corrections such as lawyers,

social welfare workers, psychologists, and other disciplines of criminology. Also, innovation should be brought in to treat inmates...” (Document No. 11). “... it is required to separate treating offender obviously to their offense and punishment deserved rather than correctional institution is the place for every punishment. Clear treatment should be imposed. Some offenses must compensate society by public work rather than imprisonment. The government must compensate these people by impel them to work for public. We will better be advantageous as well as they will feel better rather than labeled with imprisonment. We have different methods not only expensive fines, which we have to amend the fining since the laws is outdated which the money values are not amended. It is cheap and it is fruitless in threatening...” Capital execution is viewed that, “...it is questioned that whether life execution is advantageous. Many schools state that execution is meaningless if not immediately imposed for witnessing but suspending for many years and people are forgetful. When it is forgotten, the execution cannot deter people since they do not know of what causes. Even examining in the Supreme Court, the defender can appeal for royal execution from His Majesty. It extends more prolong period. In many cases, the offenders do not view that the offense deserve execution, which urgency at face-to-face is required. It requires no consideration whether they will be executed. They do not think. If we see that life execution cannot deter people, we should suspend and better turn to life imprisonment and never release but imprisonment to death. The question is whether the Department of Corrections is ready. If it is so, there should be a prison to meet those prisoners and never return to society. This is my personal comments...” (Document No. 9). There is still interesting comments, “... Punishment should match with the nature of offense. Theory XY to treat offenders by emphasizing Y and working in group with diversified activities, new, and non-redundancy. Major problems are factors or the fundamental problems of the prison. If there is no problem, there must be a project the inmates supervise inmates rather than officers using principles of psychology and additional equipment and using the close to release to be the regulators since they are familiar and well settled with inmates. I am sure that they are able to control and independent in working..” “... In future, we may seriously emphasize rehabilitation. Age and education will be separated. I believe that schools will be built in the prisons. With knowledge and capacity, and after release

they will not be jobless. We are required to coordinate with other workplaces. It might be the Vocational Education Department and the certificate should be vocational certificate. At present, the Nakhon Phanom Prison is conducting. Lecturers from Agricultural College are invited to open programs of vocational certificate and diploma. If released before completion they are eligible to finish studying. I believe that education will be emphasized rather than career training. If it is career training, it would be a short courses and modern things and wood will not be used since woods are almost gone from the forest. It will emphasize spiritual development rather than laboring...” (Document No. 10).



CHAPTER V

DISCUSSIONS

With the document research and fieldwork, it is found that the parole is the treating offender with the non-institutional approach has been prolonging and frequent used. However, when comparing to the numbers of finalized prisoners and the parolees the ratio is unlikely. It signals that the parole is the measure difficult to be imposed. The study shows problems and limitations of parole in many ways. First, the researcher would mention of treating offenders with the institutional approach on the basis that the parole is the measure using the institutional approach.

The study shows that the criminal justice over exploits the institutional approach, Even Thailand attempts to introduce concepts of punishment for rehabilitation but the situation of problems in the criminal justice bouncing to the Department of Corrections is the surplus number of inmates. It makes the department unable to unlikely impose those concepts affecting the Correction jobs in general. By principles, it has 2 duties, i.e.

1. Controlling inmates or prisoners to disciplinarily live and not allowing any escape or it is called the duty of “custody”.
2. Training and cultivating habits, mentality of inmates to become good as well as knowledge of general studies and career that the inmates will be able to honestly earn for self and family, which is called the “Rehabilitation”.

It is found from the study that at present the prison is unlikely control and the rehabilitation is weak and cannot fulfill the duty. Reasons are the imbalance of the officers and the inmates where it cannot separate attributes and classify inmates effectively. The separation is a process to personally get familiar with inmates to properly treat them individually. It counts following the theory of multi-purposes for rehabilitation. Had there been no separation, it is likely allowing inmates to negligently offend with no habituality but having chances to associate with experts of offending. Learning and transmission of crimes will be entertained where it strongly

limits the rehabilitation, particularly, with potential groups. When congestion rules, it is counted totally destroying the rehabilitation.

The agenda is that parolees must be good and when the prison cannot rehabilitate, it turns parole immobile to screen the good person. It results releasing the unrehabilitated to return to society or few parolees released because of lacking qualifications.

Therefore, treating offenders with institutional approach is likely required to be improved. Number of inmates should match for the rehabilitation so that allowing prison as alternative for those needy to exploit the institutional approach. It is not to view that the prison is the universal tool for the criminal justice and society seeing prison as hospital treating and rehabilitating patients and immuring not to return to hospital again, which is the precise method.

It is found in the study of the non-institutional approach that the 3 levels of practices can facilitate privations of crime and likely control society. With each level, it needs to properly apply to each offender and nature of offense. Treating offenders with the non-institutional approach is a nature of punishment aiming at specific improvements. At level 1 and 2, where the non-institutional approach is used resulting light impact for offenders. It emphasizes conversion and without stigma and the avoidance of destroying personal identity based on multi-purpose rehabilitation. For the level 3, it is the institutional approach but conditional release. It drives or punishes offenders to meet the influence of destroying personal attributes for a time being not long before such influence harms the offenders. The opportunity is opened for adjustments. Findings show that this level better secure the society.

The parole is counted treating offenders with the non-institutional approach at level 3 involving with the ease of control. The first values for parole is the rehabilitated behavior of inmates. Findings show that the population trusts the parole system strongly affecting the behavioral changes. Rationally, the parole is similar to the psychological trap to motivate inmates adjusting behaviors and make it easy for custody. The parole then becomes the compensation or rewards for inmates with well behaving based on Grace Theory. When being released to society, if conditions have been violated, the grace would be finished.

Values of parole have another significance, i.e. the conditional release, which is how to effectively drain inmates. Findings show that the parole is releasing the well-prepared persons to society rather than releasing criminals to re-offend. Statistics for re-offend or violation of condition is unlikely as Table shown below

Table 5-1 Statistics of Parolees Re-offending the Conditions by Fiscal Year of BE 2536-2545

B.E.	Parolees	Re-offended Parolees	Percentage of Re-offending
2536	1,282	4	0.31
2537	2,088	40	1.92
2538	2,114	52	2.46
2539	805	36	4.47
2540	1,114	7	0.63
2541	1,016	24	2.36
2542	1,071	29	2.71
2543	703	6	0.85
2544	1,837	9	0.49
2545	3,166	31	0.98

Sources: Division of Parole, The Department of Corrections.

Most re-offenses are mainly driven by surroundings by returning to the risk community of crimes and explicable by the theories of social sciences that crimes happened basically on the neighboring surrounding changes showing social disorder and anti-values. It confirms that peak rate of crimes are found in slum. The investigation, which is part of parole process, can solve this problem by assigning the parolees to stay with relatives away from the risk area by using probation. It is to follow the Contract Theory when the parolees agree to strictly follow the conditions otherwise offending.

The parole is not only rehabilitating but also preventing society. Meaning, it helps offenders undergoing a temporary imprisonment can better adjust into society. Rationally, even being released and under probation, the lifestyle in society is yet truly free but still normally living with society outside under custody. Basically, inmates being released at first will meet problems of adjustment to society. Later being familiar and under supervision from the officers, they dare not commit crimes.

It prevents society by itself. Rationally, if the parolees misbehave, they will be punished and return to prisons for additional penalization.

Findings of problems and limitations of parole in Thailand are explicable and remedies are proposed as follows:

1. Problems of Parolee's Qualification: the findings show that matter of laws coded in the Corrections Acts BE 2479, Article 32 (5) and the Ministerial Rules No. 46 are not problems in terms of content and appropriateness but problematic in practices. Meaning, inmates must be of good level and above. However, the promotion of The Department of Corrections is likely ineffective. It is examined from the duration of imprisonment and being implement disadvantageously in terms of behavioral rehabilitation. Another problem is duration of probation for the parolees, which it is viable only for 5 years. It is likely the limitations for inmates of prolong terms the merit of parole and have to wait for the last 5 years terms. It shows that the least terms of imprisonment will be faster gaining paroling.

Remedy:

1) It requires effective promotion, i.e. emphasizing inmates to show the prison that they have rehabilitated their behavior for better, progression in learning, and career training. Assessments for promotion must specify reasons for being promoted and not being promoted.

2) There is review and improvements of parole for long-term inmates. A special parole would be likely. Rationally, after one third of imprisonment under Article 32(5) can be implemented with this case.

2. Problems of Investigation: this problem is found before the Correction Department transfers the probation job to the Department of Probations. Problems are found that it is difficult to investigate in remote and isolated areas. Some find rejection of benefaction and some prisons imprison more foreigners, which the parole is out of question. Even the investigation jobs are transferred to the Department of Probations but it directly affects the prisons. Studies should be conducted for analyses and for the benefits of parole, in general.

Remedy:

There should be probationary volunteers allocated in tambols or villages to access those areas as well as building understanding and cooperation from relatives

and community to realize the ways of parole facilitating benefits in treating offenders in community.

3. Problems of Documents and Evidences: Findings show that unready and late evident document extensively impedes parole causing many following lateness and difficulties.

Documents: It lacks the copy of verdict containing the behavioral information of the case whether the behaviors of offenders, and causes of offenses to help in examining parole. Previously, the finalized inmates arrive with only an imprisonment warrant and the copy of verdict must be duplicated from the court in each case when burdens and lateness are happened. At present, inmate testimony is used as norms on behavior of case. It is unlikely reliable.

Evidences: The individual identification is critical either by demographic evidence as being the individual records, which is unfound in the prison. It impedes inmates for the non-institutional approach. Also, fingerprint identification delivered to the Crime Records Section is late in checking the criminal records for inmates.

Remedy:

1) There should be coordination between the court agreeing to copy verdict on the case of finalized inmates sentenced to imprisonment. Budget may be allocated for copying because the court is part of the criminal justice.

2) There should be networking between the Demographic Sections and the prisons nationwide that individual information is checkable for each inmate. It also benefits other offenders rather than only parolees.

3) There should be networking between the Crime Records Sections and the prisons nationwide. Each prison must install a fingerprint scanner when it can be information the Crime Records Sections for checking without delay.

4. Problems of Transferring Probation Jobs to the Department of Probations: these job either investigations, or probation is actually the duty of the Department of Probations. The Department must also supervise the released with capital punishment. Some problems are met during the turn of coordination and most probationary officers are females, which restricts their working with male inmates and it is the technical problems.

The remedy is the frequent bi-party meeting, i.e. the Department of Corrections and the Department of Probations to gather problems of each party for discussions on solution, which will be the best. Rationally, both the Department of Corrections and the Department of Probations are interdependency by works. If good collaboration is found, there would have been effective parole driving the criminal justice achieve its objectives to facilitate justice for general.

5. Problems of Personnel: with the policy of personnel set by the government, it is unlikely for the Department of Corrections to rake proper officers. It creates inadequacy of personnel to meet the job. This problem affects all parts of the correctional jobs, particularly, the prisons and the correctional institutions. Parole officers are inadequate causing process lateness because an officer must fulfill different jobs. Some places, there is only one parole officer to handle the job and if cannot be fully achieved.

Remedy:

- 1) Temporal employees should be recruited and show the government that The Department of Corrections should be exempted on the restrictions of personnel.
- 2) Assign dedicated officers to concentrate on parole since it is the lengthened process; they would be frustrated first.

6. Problems of Inadequacy of Cooperation and Supports from Benefactors, Community and Society: they are counted significant to achieve parole process. Problem is relatives reject benefaction on the basis of unbearable to the inmates' behaviors. Also, communities and societies have negative attitudes for those imprisoned or reject them entering communities viewing them to be social burden. These cause parole impossible or the parolees may return to re-offending by negligence and treatments form communities. They have to return to prisons again. Also, there is a problem of attempt draining inmates from the Department of Corrections causing people cultivating attitudes tending the criminal justice to impose severe punishment based on the theory of retribution. It is the direction of critical anxiety.

Remedy:

- 1) Build understanding with benefactors, communities, and societies the objectives or benefits of a parole to make them realize that the parolees are good after

having been strictly screened. Build in them awareness that it is everyone duty to rehabilitate or allow opportunity for them to further be good citizen. Building understanding requires effective public relation.

2) Control media in the sense of negative nature toward the criminal justice and to attempt erasing the senses of prejudice from people allowing people to realize that the released are parts of society and BE in their shoes.

3) Organize community activities to participate with the criminal justice to help support the job of the Department of Corrections as well as the criminal justice, in general. At least it helps lessen the burden of the government in controlling society.

4) The units of the criminal justice should revise treating offenders with institutional approach to what extent it affects society in general. Rationally, common people have prejudice with imprisonment-based. If they are released, it is believed that inmates will differently be disgusted, it seems like no social problems have been solved.

It is seen that problems and limitations of parole happen from internal factors of parole content such as problems of documents and evidences and so on. Also, it comes from the external factors such as the inadequacy of collaboration and supports from benefactors, communities and societies. The internal problems can be easily solved, but the external problems likely require considerable time and resources. It is remarkable if the criminal justice solves both direct and indirect problems.

Problems of outnumber of inmates affect the criminal justice in general. A Policy is set to drain or release some parts of inmates to be other way treated with proper measure. Such way of release is the parole only, which can solve this point of problem. New parole is initiated as the special parole with the nature of Boot Camp using the similar criteria as normal parole but rather flexible and relievable.

During meeting of the cabinet on 1st July BE 2545, the Prime Minister initiates solution of the outnumber of inmates and it is seen at present that many military camp are barren and is planned to be terminated. If the camp is fenced and move inmates to be controlled by military training and career training in agriculture or products to earn income so that there will be food for eating without buying. When they are released, they will have some savings as living fund. Inmates are transported to be trained in 39 camps. 37 camps for male inmates and 2 camps for female inmates with 2 batches of

5,000 inmates each for each year. It emphasizes agricultural training and skilled technician training.

First phase emphasizes addicts, who are leading numbers in every prison. It is the rehabilitation to share burden of the Department of Corrections. Rationally, the military own the fast model in training. Later, other types of offenders are joining this project to solve the outnumber of inmates to some extent. Qualifications of parolees in this project are as follows:

- 1) The parolees are charged of non-criminal or minor offense
- 2) Undergone the imprisonment of one third of the term
- 3) Remaining imprisonment is from 6 months to 3 years
- 4) Finalized lawsuit of good classification and above
- 5) Ages of not over 60 years
- 6) Not physically disable or cripple
- 7) Not being sick person or severe disease such as AIDS or tuberculosis
- 8) Not being mental disable or neurosis side-effect

It is found that there are relieve in condition of parole particularly the duration of imprisonment enforcing The Correction Acts BE 2479 Article 32(5), which is one third of sentenced terms rather than the Ministerial Rules No. 46, i.e. two third of the terms to be imposed on the normal parole. It much shortens the duration and will be released for probation after such special training of 6 months has been completed.

Pros and cons of the special parole are as follows:

Pros:

- 1) To relieve norms of normal parole leading to extending parole job more facilitated and easier
- 2) Solving the congested jail in some parts for the benefits of serious rehabilitation and leading to facilitate correctional job in many aspects.
- 3) It is a constructive non-institutional approach in form of military training gaining good results in terms of better disciplines in inmates.
- 4) A model of pre-release to help inmates easily adjusting upon returning to outside society

5) A model of remarkable coordination among work units between the Department of Corrections and Military and effectively draw resources of each unit for joint-development.

6) Saving budget drastically in nurturing inmates

Cons:

1) Less strictness of screening process than normal parole, unqualified parolees will be selected and they are unlikely corrected from prison with insufficient period and may harm society in future.

2) There would be truancy of inmates if control were unlikely strict since boot camps are more opened than prisons.

3) If there were too many special parolees, it would affect deterrence method that prison is less significant under the theory of multipurpose of deterrence where control will become difficult.

Problems and limitations of the special parole are the screening of inmates to join the project is unlikely cautious because the military will specify number to each batch. The Correction Department must fulfill the number within restricted time. Remedy is the Correction Department determines number in joining the project where effective screening is required and the remaining imprisonment term should be extended.

Future Picture of Parole: findings show that number of parolees is increasing and the parole will be expanded, faster process, relieving conditions and restrictions, collaborations from outside workplaces as well as people, communities. Societies will truly understand the parole objectives. The researcher proposes procedures of future parole in Thailand, by proposing the holistic model of the criminal justice as follows:

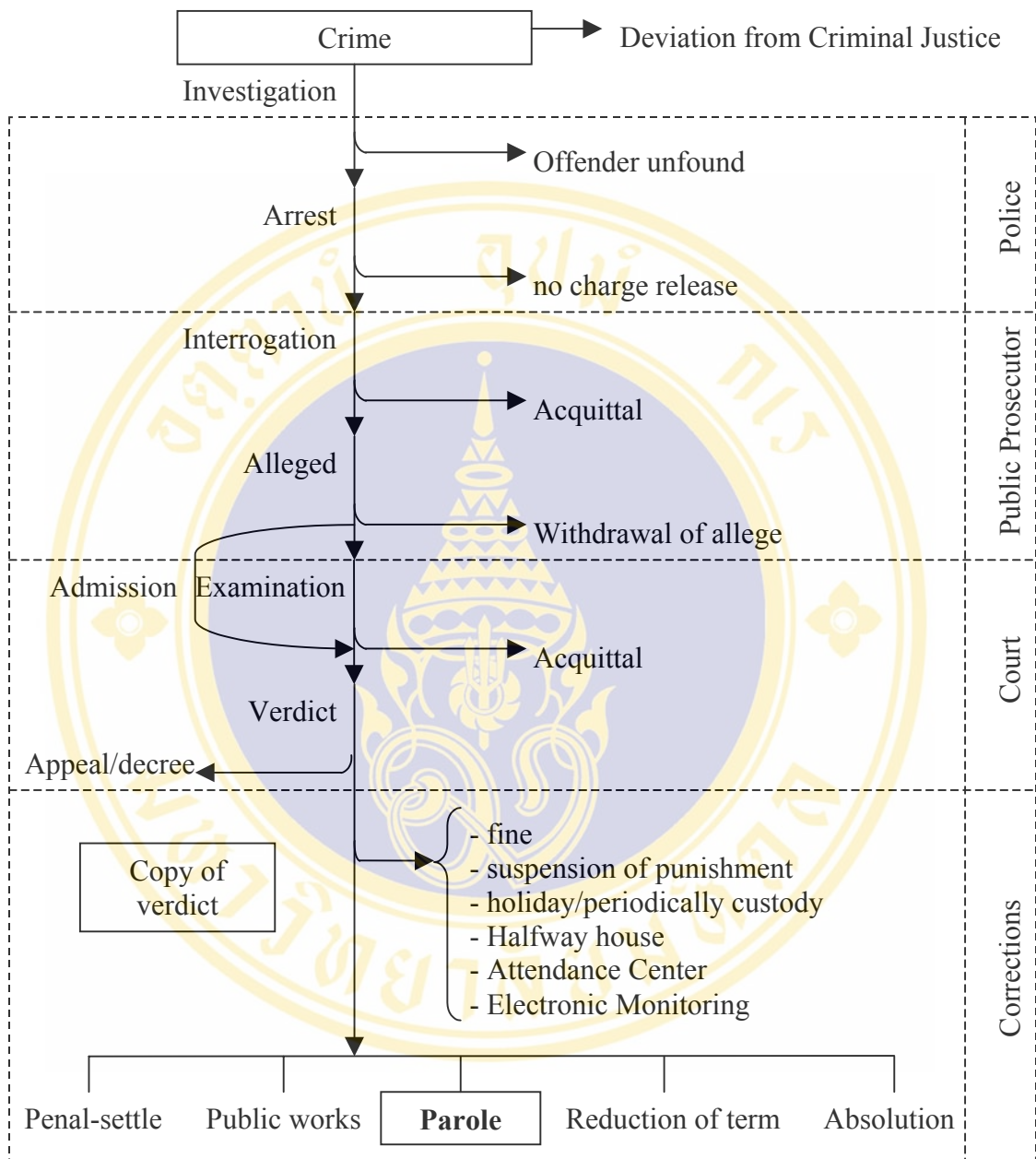


Figure 5-1 The procedures of future parole in Thailand by proposing the holistic model of the criminal justice

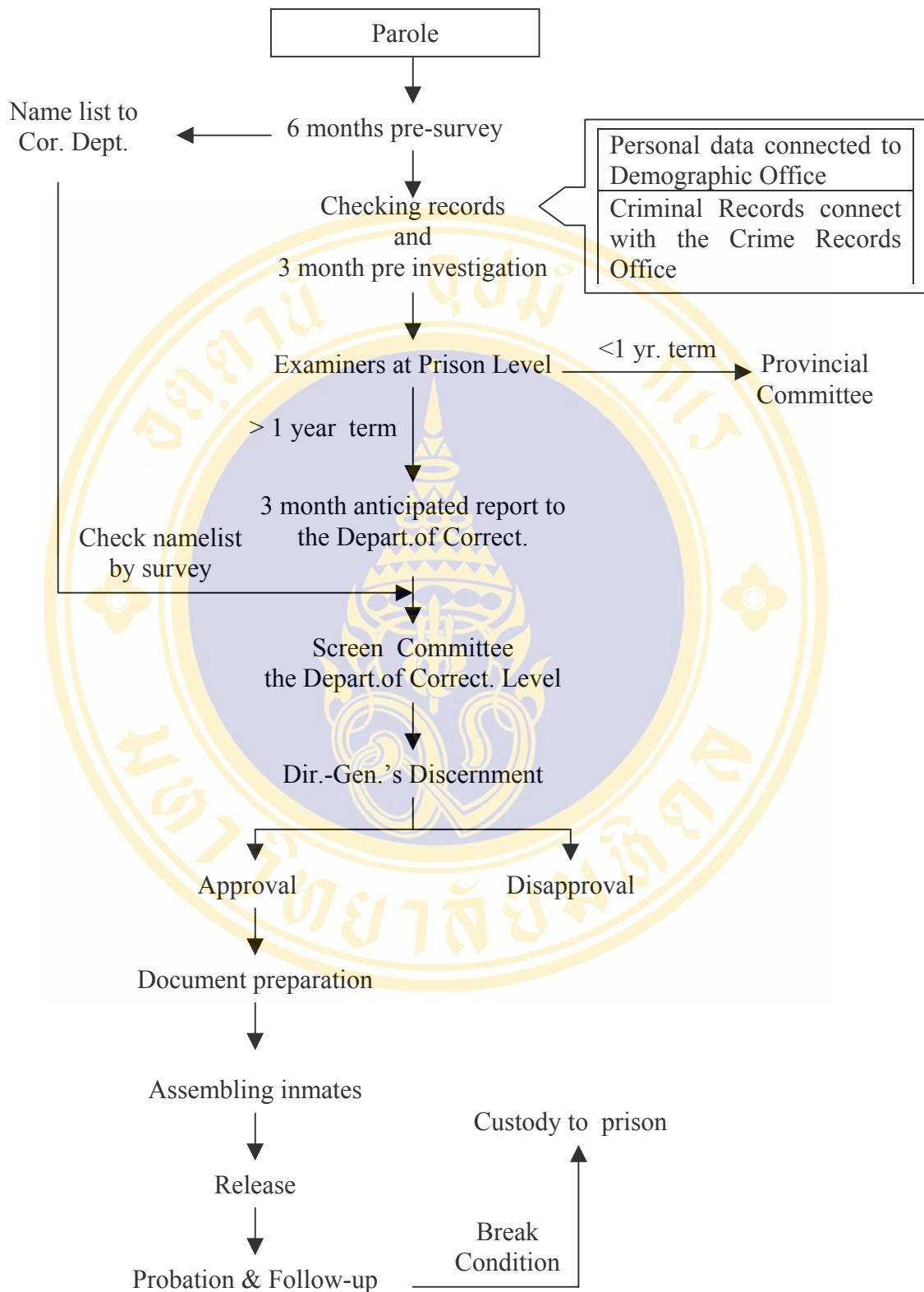


Figure 5-1 The procedures of future parole in Thailand by proposing the holistic model of the criminal justice (Continue)

From the chart above, it is explicable that at first happen of crime; some offenses might be treated with the non-institutional approach at level 1. Meaning, deviating offenders from the criminal justice otherwise detective must investigate. The offender must be arrested if found, otherwise releases. Then the offender will be subject to interrogation. If lawsuit is unlikely found, there should be no filing to the public prosecutor otherwise the public prosecutor discern probability of lawsuit. If it is unlikely, it should be suspended or acquittal. This is a method of deviation. Otherwise filing lawsuit and if the court examines, it may be acquitted or the defendant admits. If a criminal offense is found, it will be judged. In this procedure, the court may judge by security-based or the non-institutional approach in the level 2. Meaning, the deviation may impose on fining, suspend punishment, holiday or periodical custody, halfway house, attendance center, or electronic monitoring. The court may discern imprisonment of execution. If imprisonment, there must be copy of verdict attached to provide information to prison for further treatment as well as separation of inmates.

After imprisonment for a period, it is found that inmates are progressing in self-development and consistency of behaving. They will be rewarded promotion. When inmates reach different criteria the prison may treat them with the non-institutional approach in the level 3. It may be in the penal settlement, public work, parole, and reduction of term or absolution in some occasions. The parole should be surveyed 6 months before who are qualified for parole in the nest 6 months. Later the name list will be sent to the Correction Department for checking. After survey, the criminal records and investigation must be conducted 3 month before parole. Historical records must be checked from the copy of the verdict and to connect with the demographic office for the individual background as well as the criminal records office. This part requires fingerprint scanner and the on-line between the unit and prison. At the meantime, the investigation is the responsibility of the probation to search from the benefactors, local administration officers, and police. When all documents are completed, they will be returned to the prison.

When all documents are completed, the prison will assemble the parole board to examine viability of each parole. If consent, documents will be delivered to the work unit according to term of punishment. If it is not exceeding 1 year, it will be

submit to the governor to examine subject to the decentralization. For the term of more than 1 year, it will be sent to the Department of Corrections 3 month in advance. Then the Department will check name list of their relevancy with the first survey. If it is consistent, it will be sent to the parole board at Departmental level chaired by the Director-General. After discernment for approval or disapproval, the result will be sent to the prisons so that they can prepare documents for parole and assemble inmates for release to be under the probation and follow-up by probationary officers. If conditions have been breached, inmates will be subject to custody to return to prison.

Findings of trends in treating offenders of the Correction Department in future are as follows:

1) The institutional approach will be used for critical inmates, professional criminals and psychics because they require institutional rehabilitation while the minor offenders will be more deviated from imprisonment.

2) Electronic monitoring will be used more in prison. It helps the institutional approach, such short circuit television, high voltage control system to replace officers and so on. It helps the non-institutional approach such as confinement by electronic devices and so on.

3) Obvious separation of inmates and precisely treating which is similar to caring patients and with compassionate, empathy and exploiting outsource such as private sectors for career training, and boot camps and so on.

4) Being professional, i.e. expert of both custody and rehabilitation of offenders. It is the model in human management based on principles of criminology and humanity based on the minimum standards of the UN. It is characterized in restrictions of rights and liberty in some parts and to compensate society and victim in a level.

It is concluded that the current parole is found with some problems and limitations. If solution has been correctly made, it would lead to high effective parole, and it would be broader extended under the policy and solving different problems of the Department of Corrections. It benefits the criminal justice in general. The parole is the screening system of offenders to leave to society before term. It positively affects society rather than normal release when term ends. However, society must

cooperate and take custody parolees for parole achievement. A parole is definitely therefore the non-institutional approach coupling with the institutional approach and should be supported to run an effective parole for the long-term benefits of the correctional jobs and society.



CHAPTER VI

CONCLUSIONS AND RECOMMENDATIONS

A study of “Problems and limitations in Thailand’s parole system: a case study of top administrators in the Department of Corrections” begins form investigation of treating offenders and observant he few parolees, which draw attention for the researcher to study the problems and limitations of parole as well as measures in corrections and new approaches. It is a qualitative research to gain in-depth data with details and comments.

6.1 Population

Top administrators of the Department of Corrections are divided into 2 groups

1. The Central Administrators

- 1.1 Deputy Director-General (Technical Affairs)
- 1.2 Deputy Director-General (Administrative Affairs)
- 1.3 Director, Bureau of Crime Corrections
- 1.4 Director, Bureau of Penal Administration
- 1.5 Director, Bureau of Rehabilitation
- 1.6 Director, Division of Parole
- 1.7 Chief, Division of Parole

2. The regional top administrators are 6 Commanders of Provincial Prisons

- 2.1 Commander of Nan Prison
- 2.2 Commander of Petchabun Prison
- 2.3 Commander of Nakhon Panom Prison
- 2.4 Commander of Si Sa Ket Prison
- 2.5 Commander of Samut Sakhon Prison
- 2.6 Commander of Chumphon Prison

Thirteen are samples with 10 males or 77% and 3 females or 33% with the average age of 50 years earning bachelor degree by 53.8% and master degree by 46.2%. Data collection has been spent for 13 times with 1 hour each by average.

6.2 Conclusions

Findings of the institutional approach are Thailand over uses it and meets with outnumber of inmates affecting both custody and rehabilitation. It is also found that currently the custody is unlikely and the rehabilitation is likely weak. It is found with the non-institutional approach that it should be implemented as treating patients. The parole is a method motivating offenders in prison to become good in order to gain approval of conditional release and it is not releasing criminal to re-offend because the parole has been effectively screened.

Findings on investigations of problems and limitations of parole in Thailand are:

1. The qualifications for parole concerned meeting the criteria and did not address helping long-term inmates achieve parole.
2. The probation officer must go to the inmates home in the countryside where it not easy to learn about the inmate's background.
3. Gathering the documents and evidences cause delay in processing because external documents are required -- not only copies of the verdict, proof of identity from the Demographics Department, but also records of offenses from the Department of Criminal Records.
4. In the past the Department of Corrections was assigned the probation jobs. But now the Department of Probations does it. But this department is mostly female. Male inmates are reluctant to give background information to female.
5. There are not enough parole personnel.
6. After the inmates leave prison they must go back home. But the people there don't accept them and are prejudiced against them.

It is commented on improvements of parole and properly handing offenders that the parole has driven the deviation and policy has been more seriously followed.

It requires to improve the promotion methods, the expansion of parole board, evident document management, increasing number of officers, allocation of budget and technology, and building more understanding with benefactors, communities and societies. Also, at present, there is the special parole to meet the government policy in order to change burden into dynamism in form of the Boot Camp with the collaboration between the Department of Corrections and the military.

The picture of Thai parole in future will be increasing with parolees. It will be exploited coupling with the institutional approach and the operation will be more effective as well as trends in treating offenders of the Department of Corrections is the institutional approach will be exploited with offender requires for it, while minor offenses or uncritical, the deviation of imprisonment will be used in form of the non-institutional approach.

6.3 Recommendations from Research

1. Handling offenders should emphasize education rather than career training on the basis that it is counted as long-term thinking process and behavioral developments. So that inmates will be able to use knowledge from education to develop themselves as well as effectively helping families and societies. Contents of education should be focused on advantageous direction, which is needed by societies such as agriculture, community development and technology, and so on.

2. A parole should have activity procedures before being released to society. The activity must enhance adjustment into society such as halfway house, community activity, or short courses and then releases viable. It is compared to a certificate for the good and ready to enter society. It is counted as pass habit enhancement. If there is no activity for pre-release, it might turn inmates adrift, homeless, and without destination or unable to adjust oneself to outside society, which will cause re-offending.

3. There should be brainstorming between units in the criminal justice in very 3 months, or 6 months to recognize problems and limitations of each workplace, Understanding nature of operations in each unit as well as able to think the same

direction by determining the National Criminal Policy. Or the National Criminal Justice Policy in forms of integration based on interdisciplinary involved such as criminology, management of the criminal justice, laws, economics, and sociology, and so on. It is meant for the units in the criminal justice to exploit those for the long-term better results to the criminal justice of Thailand rather than diversifying implementations.

6.4 Recommendations for Further Studies

1. There should be investigation of deviation from criminal justice by a qualitative study in both adult offenders and juvenile.
2. There should be investigation of operations and achievement of the Boot Camp including handling offenders by the non-institutional approach.

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INTERVIEW QUESTIONS OF CENTRAL AND REGIONAL TOP ADMINISTRATORS

1. From the past till present, kindly estimate the handling of offenders by using the institutional approach of the Department of Corrections.
2. Three levels of treating offenders using the non-institutional approach are first- the deviation from the criminal justice. , Second – entering the criminal justice but using measure so deviation of imprisonment, and third – being imprisoned but relief or conditional release. What level do you think best facilitating crime prevention and social control and on what basis?
3. To what extent is your confidence in values of parole affecting behavioral rehabilitation.?
4. What are your comments on. “a parole is allowing opportunity for criminal to trouble society later”.
5. What is the policy of the parole for the Department of Corrections, and in each parole, is their limit in number of parolees?
6. Do you think to what extent the criteria of qualifications for parole in the Corrections Acts BE 2479, Article 32 (5) and Ministerial Rules No.46 will create problems and limitations towards the parole?
7. Which offense, do you think the parole should be rejected?
8. Do you agree that inmates can nominate oneself for parole?
9. In the procedures of the Department of Corrections, what are sections forming in the existing parole board and besides the existing members, what disciplines of experts do you want them join the board ?
10. In each examination for parole board, what are problems and limitations?
11. Do you agree with the limits of parole operation such as 2 months counting from inmates are qualified for parole and so on , It is the direct mandatory to hasten the achievement?

12. What should be the prioritized procedure of the current parole to be improved?

13. To what extent the budget critical for the current parole?

14. To what extent in adopting technology helps parole expeditious?

15. With the transferring of the probation jobs of the Department of Corrections to the Department of Probations, whether is there a problem in operations? If there is, what is the solution?

16. To allow parole achieve objectives, what are the qualifications of the personnel?

17. Do you agree with that a part of parole is unlikely successful. The reason is people are not well informed on the parole objective?

18. How do benefactors, communities and societies help drive parole to achievement?

19. Whether are there any emphases between the special parole (e.g. Project of People Evolution) and the normal parole? How?

20. To what extent do you satisfy with the special parole since beginning till present both in areas of operation and achievement, and what areas do you want to improve?

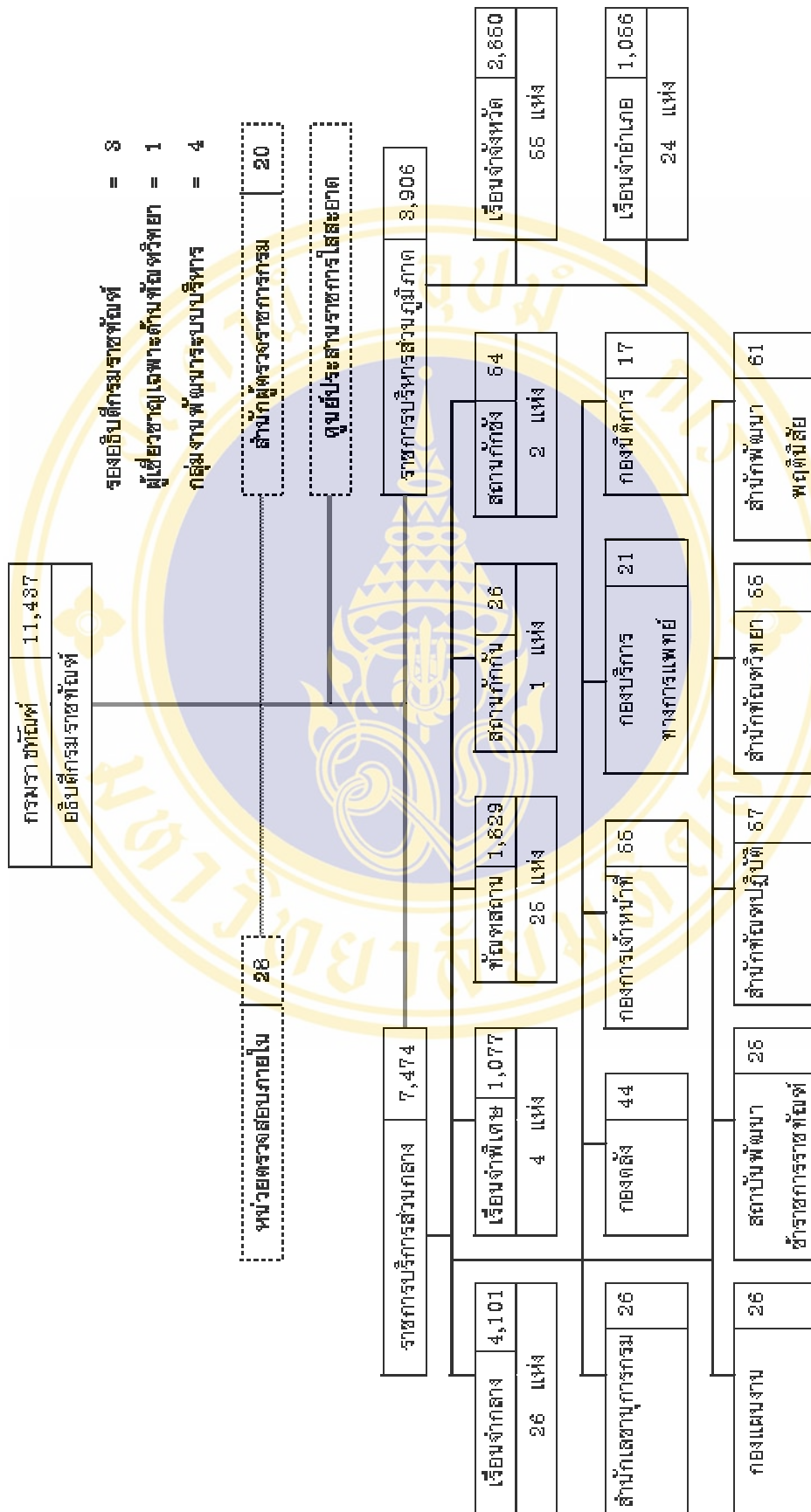
21. What so you view the picture of Thai parole in future?

22. What so you think about the future trend and its direction of treating offender supervised by the Department of Corrections?

23. Do the special parole (e.g. Project of People Evolution) help solving problems in prison

24. What are your wishes for nature of method in handling offenders? And why?





โครงสร้างการแบ่งส่วนราชการกรมราชทัณฑ์

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