

Thai Correctional System Profile

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Preface

This paper was drafted upon a request of my long and good friend from Japan, Mr. Ko Akatsuka. He requested to have a detail information in English on the treatment of adult offenders in Thailand which comes under the administration of the Department of Corrections, Ministry of Interior. Despite my hectic work schedule, I am most pleased to assist him and come up with this paper.

In this paper, there are 6 Chapters which cover whole ranges of the adult correctional system in Thailand. I am sure that the paper would be of benefit to anyone who are interested in this issues and want to know how we deal with adult offenders. Should any questions may need to be addressed, I would suggest that readers should consult with Mr.Ko Akatsuka who is one of the keen person about the correctional in Thailand. This is because of his long years in Thailand as a Regional Advisor on Crime Prevention attached to ESCAP, Bangkok. However, I am most pleased to elaborate further if readers are in doubt of any issues written in this paper.

Last but not least, my special thanks should undoubtedly go to Mr Kenneth Washburn and Miss Yossawan Boriboonthana for their prove reading and resources gathering. On top of that, to Mr. Ko Akatsuka for his financial support in writing this paper.

Introduction

In principle, correctional system have been established so as to protect society by means of incapacitation, deterrence, rehabilitation and reintegration of offenders into society. The correctional system of Thailand shares these common

aims and attempts to achieve offenders' rehabilitation by restoring them to a productive role in the community and fostering their reintegration onto the society.

This paper aims to provide a profile of the Thai correctional system which come under the administration of the Department of Corrections. The paper covers a brief history of the Thai correctional system, its organisation structure, activities and programs, correctional statistic, treatment process, release procedures, and some selected issues that involve the administration of the correctional system in Thailand.

Accordingly, context of the paper is divided into 6 Chapters as follows:

Chapter One : The Administration covers a brief history and the present administration of the Thai correctional system.

Chapter Two: Punishments and Prisons covers types of punishment and prison categorisation.

Chapter Three: The Statistics covers whole ranges of statistics, fact and figures that involve the administration of correctional system in Thailand.

Chapter Four: The Process covers treatment process of prisoners, which include:

Chapter Five: The Release covers all release mechanisms under the Thai correctional system, which include: the termination of sentence, release procedures, parole, good conduct allowances, public work allowance, and the international transfer of prisoners.

Chapter Six : The Issues covers some selected topics that hamper the success of correctional administration in Thailand. The topics include: lack of new initiatives, overcrowding situation, insufficient funding, shortage of staff, high staff and prisoner ratio; poor living conditions, outdate prison design, lack of standards, absence of classifications, quality of food, and inadequate rehabilitation programs

Chapter One

The Administration

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This first Chapter will outline a brief history of the Thai correctional system and the present administration regime. The history of Corrections in Thailand can be traced back as far as 100 years. During this time the political and correctional system developed simultaneously, under which modern correctional philosophies were adopted. The incorporation of these philosophies lead to changes in the correctional practice in Thailand. The following information on the present organisation describes the outcome of these changes, and how the correctional system is presently organised.

History

The early forms of punishment in Thailand were harsh and stressed punishment for deterrence, retribution and revenge. Punishments were often carried out in public view, designed to bring shame and ridicule upon offenders. Capital punishment was carried out by means of public beheading. Since the political system had been developed and correctional philosophy was changed toward a more humane treatment, a modern correctional system has been introduced in Thailand. The followings are a brief history of the Thai correctional system.

During the reign of King Rama IV B.E. 2394-2411 (1851-1868), there was no uniform correctional system. The treatment of offenders came under various organisations. Prisons in Bangkok Metropolis came under the jurisdiction of the Ministry of Metropolis, with the responsibility for detaining offenders with sentences longer than 6 months. Those who received a sentence of less than 6 months imprisonment, or were awaiting trial, were sent to Gaols. The administration of Gaols came under the administration of the provincial governors. Provincial governors had the authority to regulate the administration of Gaols and therefore varied from one province to another.

During the reign of King Rama V, B.E. 2411-2453 (1868-1910), in B.E. 2433 (1890) the Department of Prisoners was established whereby a new prison was built and prisons and gaols were amalgamated into one Department. Also, in B.E. 2434 (1891) A Standing Order for Detaining Prisoners in Upcountry Prisons was promulgated, and applied nationwide. Subsequently, in B.E. 2444 (1901) The Prison Act was enacted to be a governing law for prison administration.

During the reign of King Rama VI, B.E. 2453-2468 (1910-1925), The Department of Penitentiary was established on 13 October B.E. 2458 (1915), as well as the first Director General was appointed to administer the correctional system throughout Thailand. However, in B.E. 2465 (1922) the Department of Penitentiary was downgraded to become a division under the Ministry of Justice due to an economic recession. The Department of Penitentiary was re-established again in B.E. 2476 (1933), and came under the jurisdiction of the Ministry of Interior. In B.E. 2479 (1936), the Penitentiary Act B.E. 2479 (1936) and ministerial regulations were enacted that repealed the previous corrections

law. The Act centralised all local and provincial gaols under the supervision of the Department of penitentiary. It ended barbaric sanctions, as well as stipulated modern measures of prison management and treatment of prisoners. These include: procedures for admission, segregation, discharge of prisoners; setting out the power and duties of prison officials; and regulating work, education, discipline, health, sanitation for prisoners. The enactment of these laws marked the modern era of the correctional system in Thailand, where rehabilitation and reintegration of persons into society from correctional system are priorities. Moreover, in B.E. 2505 (1962) the name of the Department of Penitentiary had subsequently changed to the Department of Corrections until now.

Present

Presently the correctional system in Thailand comes under the administration of the Department of Corrections, Ministry of Interior. The Department's main responsibilities are to execute penal sentences imposed by the Courts and any lawful orders. The implementation of these responsibilities is carried out by means consistent with procedures, and measures stipulated in laws. The Criminal Procedure Code B.E. 2477 (1934), The Penal Code B.E. 2499 (1956), the Penitentiary Act B.E. 2479 (1936) are a few of the laws which govern the Department. The Department has committed itself to fulfil the following functions:

1. To keep prisoners whose age ranges from 18 and above in custody and ensure their appearance in the Courts.
2. To ensure that all the procedures for detaining prisoners in custody are consistent with laws, regulations, government policy, and the principle of criminology and penology, as well as the United Nations Standard Minimum Rules for the Treatment of Offenders and other recommendations.
3. To manage prisoners according to individual background, risk factors, and individual needs.
4. To equip prisoners with lawful earning skills through various vocational training programs.
5. To provide a safe, secure and human environment whereby prisoners are able to access to social services, recreation facilities, education, vocational training, religions, health care, and other forms of welfare.
6. To coordinate and cooperate with other criminal justice agencies in order to achieve maximum protection of the society.

Mission Statements

According to the Corporate Plan for the next decade of Department of Corrections B.E.2536-2545 (1993-2002), the missions of Thai Department of Corrections are set as follows:

1. To keep prisoners in custody efficiently.
2. To rehabilitate prisoners and foster their re-integration into the society as a law abiding citizens
3. To improve efficiency and effectiveness of correctional administration.

In order to fulfil these missions, strategic plans have been set according to the above principles. These strategic plans will be use as detailed guidelines for every part of the Department, so as to accomplish the goals of these missions. The followings are examples of the strategic plans.

Mission 1: To keep inmate in custody efficiently

In order to accomplish this mission, the following goals shall be completed:

1. Organisation structure of prisons must be reformed.
2. Classification and segregation of prisoners must be carried out.
3. Staff to Prisoners ratio must be set at an appropriate level.
4. Laws, as well as Rules, and Regulations must be reformed.
5. Modern technology must be introduced to assist prison administration.

Mission 2: To rehabilitate prisoners and foster their reintegration into the society as a law abiding citizen.

In order to accomplish this mission, the following goals shall be completed:

1. Prisoners shall be mentally developed and ready to return to the society.
2. Prisoners shall be equipped with an education and vocational skills that are in need in the outside labour market.
3. Prisoners shall be inculcated with correct attitude and values.
4. The quality of life of prisoners shall be developed.
5. Community Treatment shall be encouraged and deployed more widely.
6. The evaluation of treatment of prisoners shall be conducted both while incarcerated and after released.
7. Research on the treatment of prisoners as well as other technical services shall be conducted and applied.

Mission 3: To improve efficiency and effectiveness of correctional administration.

In order to accomplish this mission, the following goals shall be completed:

1. Staff shall be developed in accordance with the missions.
2. Work system, related laws, environment and resources shall be developed in accordance with the missions.
3. The Private Sector shall be encouraged to assist the administration of corrections in order to improve its efficiency.
4. Public understanding on the role and missions of corrections shall be solicited.

Organisation Structure

According to the Royal Decree of the Organisation of the Department of Corrections B.E. 2539 (1996), the Department has an organisation structure as follows:

1. Central Administration

1.1 Office of the Secretary

1.2 Finance Division

1.3 Personnel Administration Division

1.4 Legal Affairs Division

1.5 Medical Services Division

1.6 Planning Division

1.7 Correctional Staff Training Institute

1.8 Office of the Internal Audit

1.9 Office of Correctional Inspectorate

1.10 Bureau of Probation

-Fact Finding Branch

-Parole and Sentence Remission Branch

-Probation System Development Branch

-After-care and Welfare for Released Prisoners Branch

-Follow up and Inspection Branch

1.11 Bureau of Penology

- Custodial Measures Branch
- Correctional Practice Branch
- Foreign Affairs Branch
- Classification and Relocation Branch
- Design and Construction Branch

1.12 Bureau of Rehabilitation

- Education Branch
- Social Work and Welfare Branch
- Vocational Training Branch

1.13 Central Prisons (26)

1.14 Correctional Institutions (24)

1.15 Remand Prisons (3)

1.16 House of Relegation (1)

1.17 House of Confinement (2)

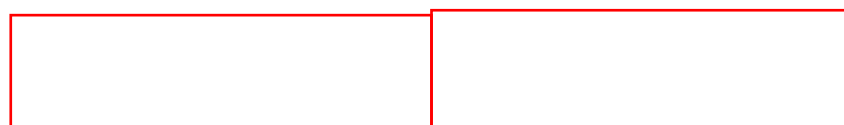
2. Provincial Administration

1. Provincial Prisons (73)

2. District Prison (1)

Conclusion

This Chapter provides details on past and present administration of the Thai Correctional System. The Mission Statements and Strategic Plans serve as guidelines which would keep the system on the right track. Understanding these two issues would pave the way for a better understanding of the whole system.



Chapter Two

Punishments and Prisons



The correctional system reflects the views and needs of society where the system belongs. Some system may try to foster reintegration, while others may believe in just desert or the justice model. This variation in principle results in a vast difference of correctional system from one area to another. In this chapter, types of punishment and categories of correctional institutions in Thailand are provided. Details and discussions on each issue are also made.

Types of Punishment

The Penal Code B.E. 2499 (1956) stipulates 5 types of punishment that offenders may receive according to severity of their offences. These 5 types of punishment are as follows:

1. **Death Sentence.** This type of punishment is carried out by mean of shooting. However, there are guidelines stipulate in both the Thai laws and the United Nations code where safeguard measures for implementing the death sentence are provided. Despite its existence in the laws, the death sentence is infrequently carried out in Thailand. Most of the prisoners who receive the death sentence have their sentences commuted to life imprisonment. Throughout the history of modern corrections in Thailand, there have been 278 prisoners executed in Thailand.

2. **Sentence to Imprisonment.** This is the major type of punishment to deal with criminal offenders in Thailand. The imprisonment terms range from one day to life imprisonment. Under the Thai laws, a term of imprisonment is a determinate sentence and must be carried out till its termination. The prison authority has no right to commute the sentence or to offer sentence reduction. Under the existing sentencing system, there would create a large prison population in Thailand, however, the Thai corrections relies on the Royal King's Pardon as a means to keep the number of prisoner under control.

3. **Sentence to Confinement.** This type of punishment is less severe than imprisonment, and mostly applies to those who commit petty offences. The sentence to confinement is also applied to offenders who default on fines.

4. **Fine:** This type of sentence is applied to petty crime. Offenders are ordered to pay a certain amount of money to the authority as a punishment. Failure to pay the fine results in the Order to confinement.

5. **Forfeiture of Property:** This type of punishment is applied to items, weapons, and assets which offenders used or acquired to commit an offence.

Types of Prisons and Correctional Institutions

The Thai correctional system recognises the differences among prisoners, thereby requiring the establishment of various types of prisons and correctional institutions . Each type of prisons and correctional institutions has its own

purpose under which correct treatment to each category of prisoner is provided. The followings are the types of prisons and correctional institutions.

1. Institutions Classified by Organisation Structure

1.1 Central Administration

Central administration means that all of the institutions come under the direct supervision of the Departments Headquarters. The reason for this type of administration being that prisoners detained in these institutions are convicted, and classified into certain categories, as well as for special treatments. Thus, it is deemed appropriate to issue guidelines, directives and supervision from the Departments Headquarters. Approximately, 60 per cent of the total prison population is detained in institutions under the Central Administration. Accordingly, there are various types of institutions which come under the Central Administration, and these are as follows:

Central Prisons. This type of prison is responsible for the detention of convicted prisoners with imprisonment term from 10 years to 30 years. Only Bangkok Central Prison located in the outskirts of Bangkok is set to detain prisoners with the sentences longer than 30 years, as well as prisoners who receive a sentence of capital punishment. In some central prisons there is also separate sections for detaining prisoners under remand; under the condition that there is no provincial or remand prison located in the same province. In practice, convicted prisoners will be transferred to central prisons when their prison term exceeds the limits of imprisonment terms specified for that particular prison. At present, there are 26 central prisons located in major provinces throughout Thailand.

Remand Prisons. This type of prison is responsible for detaining unconvicted prisoners during the court trial period, and upon conviction they will be transferred to central prisons. At present, there 3 remand prisons in Thailand; Bangkok Remand Prison, Thonburi Remand Prison and Minburi Remand Prisons. All of these prisons are located in Bangkok Metropolis.

Correctional Institutions. There are 4 types of correctional institution established for specific purposes. Correctional institutions for young offenders, women, drug addicts and the open institution. Each of these institutions has been set up to provide suitable treatment for each category of prisoner. At present, there 4 Correctional Institutions for Young Offenders, 4 Women Correctional Institutions, 7 Correctional Institutions for Drug Addicted Offenders, and 7 Open Correctional Institutions.

Houses of Confinement. This type of institution is responsible for detaining those who are ordered to be confined instead of imprisonment, and also those who fail to pay out the fine. At present, there are 2 houses of confinement in Thailand.

House of Relegation. This type of institutions is responsible for detaining habitual offenders who are less likely to a be law abiding citizens. The Courts may order them to be detain for certain period of time as a safety measures stipulated in the Penal Code B.E. 2499 (1956). At present, there is only one House of Confinement in Thailand.

1.2 Provincial Administration

Provincial Administration means that supervisory function on certain type of prisons is delegated to the provincial authority. The reason is that prisoners detained in these institutions are either unconvicted or convicted with short sentences. Thus, a uniform system is deployed, and this leaves the supervisory functions to the provincial authorities. There are around 34 per cent of the total prison population detained in institutions under the Provincial Administration. Accordingly, there are 2 types of institutions which come under the Provincial Administration, as follows:

Provincial Prisons. This type of prison is responsible for detaining unconvicted prisoners while awaiting trial, as well as convicted prisoners with less than 10 years of imprisonment. Provincial prisons are located in every province or wherever there is a criminal court. At present, there are 73 Provincial Prisons located throughout the country.

District Prison. The responsibilities of district prison are the same as provincial prisons, but the difference is that district prisons are located in a major district where the criminal court is established. At present, there is only 1 district prison in Thailand.

2. Institutions Classified by Type of Prisoners

Another form of prison classification is based on types of prisoners. Apart from sex differences, prisoners are different in terms of: social background, age, needs, offences, mind and body, and so on. This variation of prisoners results in different types of institutions designed to suit each particular needs. The following are institutions classified under this category.

Male prisons. Since 85 per cent of the prison population in Thailand are male offenders. Thus, most of prisons and correctional institutions are for male offenders.

Female Prisons. There are 4 Women Correctional Institutions established to be detention facilities for female offenders in Thailand. Also, there is one Women Correctional Institutions for Drug Addict Offenders. The total capacity of these 5 institutions are 6,000, while the total number of female prison population are 16,000. However, in each of the male prison, there is one separate section for female offenders attached to it. This section is responsible for detaining female offenders while awaiting trial, as well as convicted female offenders with a sentence of no more than 3 years imprisonment.

In terms of treatment and custodial measures, there are rules and regulations set out specifically for the treatment of female prisoners, e.g: no instrument of restraint is applied, only female staff are deployed in female facilities, types of works to be assigned.

Correctional Institution for Young Offenders. The term young offenders in the Thai correctional laws means those who are between 18-25 years of age. The Department recognises the importance of young offenders as human resources, of which they are around 30 per cent of the total prison population. Effort has been made to separate them from the main prison population. At present, there

are 4 correctional institutions for young offenders, and 4 special sections for young offenders in prisons throughout Thailand, with the capacity of 4,000. There are still around 18,000 young offenders left within the main prison population. However, criteria has been set up to classify young offenders to be sent to these institutions. For example, those who are: first time offenders with the sentence no more than 15 years imprisonment, mentally and physically fit, committed certain types of offences.

In terms of treatment and custodial measures, there are rules and regulations set out specifically for the treatment of young prisoners, e.g: education and vocational training are priorities, programs that promote correct attitudes and values are emphasised as well as sports and recreation facilities.

Correctional Institution for Drug Addicted Offenders. Narcotics consumption in Thailand is an offence that may result in imprisonment. The imprisonment terms for narcotic consumption range from 6 months to 10 years. Around 20 per cent of the total prison population are sentenced to imprisonment because of narcotic consumption. The Department recognises that drug addicted prisoners are in need of special treatment. Effort have been made to separate this type of prisoner from the main population, as well as treatment programs to help them withdraw from drug addiction are applied. At present, there are 6 correctional institutions for drug addicted offenders in Thailand, with the capacity of 10,000. However, since the numbers of drug addicted offenders are far more than the capacity of correctional institutions, a large numbers of them still remain within the main population. Nevertheless, the Department has set up a separate section in some prisons to be a treatment center for drug addicted prisoners.

In terms of treatment and custodial measures, there are rules and regulations set out specifically for the treatment of drug addicted prisoners. The programs provided include: Therapeutic Community Programs, Individual and Group Counselling, education and vocational training as well as sports and recreation facilities.

Open Correctional Institutions. The Department recognises the importance of prisoner's capability of readjustment toward society upon release. It is because there are numbers of released persons failed to cope with the change of society, and resulted them in re-offending. Therefore, a numbers of open correctional institutions have been set up so as to provide them with relax atmosphere and opportunity to re-adjust themselves, and prepare for their release. Prisoners who are eligible to be transferred to open correctional institutions are those who have already serve one fourth of the imprisonment terms and have the remaining sentence of no more than 5 years.

In terms of treatment and custodial measures, there are rules and regulations set out specifically for the treatment of prisoners in this type of institution. The custodial regime is relaxed, less supervised, and offenders have more freedom to move around. The programs provided are mostly agricultural work. Prisoners who are detained in these institutions have more opportunity to earn parole.

Prison Camp. This type of prison is set up for same purpose as the open correctional institution. The difference is that prison camps have not enough facility to handle large numbers of prisoners.

Medical Prison. This type of prison is set up to be a detention facility for sick

prisoners who require long term treatment. At present, there is only one Medical prison located in Bangkok, with a capacity of 350 beds. This prison is fully equipped with all medical facilities and medical personnel to deal with sick prisoners who are transferred from all over Thailand. Apart from this medical prison, each prison is also equipped with small dispensary to deal with minor illness. As for those who are seriously sick and in need of sophisticated medical treatment, they may be either transferred to public hospital outside or transferred to the Medical prison in Bangkok.

Penal Settlement. The Department had developed a large piece of land in the north eastern part of Thailand to be the first penal settlement for special prisoners. Utilities such as road, water, electricity and school are in place. The purpose of setting up this facility was to utilise the land and foster prisoners' reintegration into society. Special prisoners who had agricultural background were sent to this settlement. They were provided with land and tools to work, and allowed to bring in their families to live and work in this settlement. Also, they may choose to stay on this premises after release, but no ownership would be given. There were around 300 special prisoners who partook of this program. However, there were many obstacles in the way of keeping this settlement running during the last few years. Therefore, the penal settlement operation in Thailand was terminated in 1995.

3. Institutions Classified by Security Level

The last form of prison categorisation is based on security level. Since corrections is responsible for criminals who commit crimes, prisons and correctional institutions should be built in such a way that the escape rate is kept to minimum, as well as rules, orders and discipline be well maintained. In Thailand, prisons and correctional institutions are classified into 3 security levels, as follows:

Maximum Security Prisons. This type of institution is designed to detain those who must serve a long imprisonment term, ranging from 30 years and above. The prison is designed to be solid and equipped escape preventive facilities such as high walls, electric wire and so on. The atmosphere is quite rigid, under which highly discipline is maintained. The size is also large with high capacity to detain a large number of prisoners. The average number of prisoners in maximum security prisons is around 2-3,000, with the exception of Bangkok Central prison and Klongprem Central prison where the capacity is as high as 6-7,000 prisoners. The Department set up maximum security prisons in major provinces throughout Thailand. These prisons will be a center for detaining long term and hard core prisoners in the region. There are around 15 per cent of prisons in Thailand considered to be in maximum security level.

Medium Security Prisons. This type of institution is designed to detain those who must serve a medium term of imprisonment, ranging from 10-20 years. Under this type, the structure of institution is less solid than that of maximum security, as well as the atmosphere is more relaxed. Prisoners detained in these institutions are for example: remandees, convicted prisoners who are classified. Provincial prisons, correctional institutions for drug offenders and young offenders are considered to be medium security prisons. There are around 80 per cent of prisons and correctional institutions in Thailand considered to be in medium security level.

Minimum Security Prisons. This type of institution mostly are an open institution or prison camp. The institution is designed to be a preparation center for those who are about to be released. There is no concrete wall to prevent escape, only a barbwire fence to mark the boundary of the prison. The atmosphere in this type of institution is more relaxed, with freedom of movement around the institution. The visiting areas are open, and some prisoners are allowed to have conjugal visits. Prisoners who have served one fourth of the sentence and have less than 5 years of their prison term remaining may be sent to this type of prisons. Vocational training programs are mostly agricultural work. Around 5 per cent of prisons in Thailand are considered to be minimum security level.

Conclusion

The types of punishment in Thailand are consistent with that applied in other countries. The punishments range from fine to capital punishment, and there is no corporal punishment. Prisons and correctional institutions are set up to provide a treatment to major types of prisoners. However, due to inadequate attention from the government, the Department of Corrections could only afford to classify prisoners according to: sex, age, certain offence, like drug, and sick prisoners.

Understanding types of punishment and prison categorisation would enable readers to have a perspective view on how prisons and correctional institutions are set up to cope with different types of prisoners.

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Chapter Three

The Statistics

In This Chapter, whole ranges of statistics that involves the Thai correctional system are provided. This is to provide the insight understanding of the fact and figures of the most recent operation.

Table 1: Prisoners by Status, (September 1997)

Status	Number	Percentage

Convicted	75,320	57.49
Awaiting investigation	17,938	13.69
Awaiting trial	32,697	24.96
Others	5,042	3.84
Total	130,997	100.00

Table 2: Convicted Prisoners by Types of Offences, (August 1997)

Offences	Males	Females	Total	Percentage
Against Property	22,883	1,117	24,000	32.61
Against Narcotic Laws	23,604	6,581	30,185	41.02
Against Life	7,060	277	7,337	9.97
Against Person	1,971	60	2,031	2.76
Sex Offences	3,712	82	3,794	5.16
Against Public Safety	235	8	243	0.33
Others	7,380	631	7,921	10.84
Total	65,076	8,511	73,587	100.00

Table 3: Convicted Prisoners classified by imprisonment terms. (August 1997)

Imprisonment terms	Males	Females	Total	Percentage
Between 3-6 months	8,730	1,014	9,384	12.75
Between 6 months - 1 year	9,165	1,048	10,213	13.88
Between 1-5 years	27,233	4,467	31,690	43.06
Between 5-10 years	8,463	1,123	8,586	13.03
Between 10-20 years	6,529	411	6,940	9.43
Between 20-25 years	4,929	423	5,352	7.27
Life imprisonment	370	25	395	0.54
Death Sentence	27	-	27	0.04
Total	65,076	8,511	73,587	100.00

Figure 1 : Prison population 1986-1995

Figure 2: The Department Annual Budget 1986-1995 (Million Baht)**Table 4 :Number of Royal King's Pardons Granted 1977-1996**

Occasions	Year	Unconditional Released	Sentence Remission
Royal Marriage of HRH Crown Prince	1977	13,359	22,319
His Majesty the King's 50th anniversary Birthday	1977	17,539	23,010
Royal Ordination of HRH Crown Prince	1979	12,033	32,158
Her Majesty the Queen's Birthday	1980	16,164	29,661
Bangkok Bicentennial	1982	18,438	36,188
His Majesty the King's 60th Anniversary Birthday	1987	37,400	46,603
His Majesty longest accession to the throne	1988	22,922	34,215
90th Anniversary of the Princess Mother	1990	20,133	32,697
Her Majesty the Queen 60th Anniversary	1992	30,620	35,861
His Majesty the King's 50 year accession to the Throne	1996	24,751	57,815

Table 5: Escape rate between 1993-1997

Years	Number of prisoners	Escape while under escort outside prisons	Escape from inside prisons	Total	Percentage
1993	90,307	90	19	109	0.12
1994	103,329	120	28	148	0.14
1995	111,028	127	19	146	0.13
1996	103,302	80	25	105	0.10

1997	128,826	57	49	106	0.08
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Table 7: Drug Prisoners classified by offences

Offences	Number	Percentage
consumption	2,341	7.76
possession	7,379	24.45
consumption and possession	2,991	9.91
total	12,711	42.11
distribution	7,151	23.69
possession for distribution	10,085	33.41
others (production, import/export)	238	0.79
total	17,474	57.89
grand total	30,185	100.00

Table 8 : Staff : Prisoner Ratio 1986-1996

Years	Total Staff	Prison Staff	Prisoners	Ratio between Prison Staff and Prisoners
1986	8,805	8,456	91,841	1:11
1987	8,931	8,582	95,990	1:11
1988	8,931	8,582	67,159	1.8*
1989	9,133	8,784	81,685	1:9
1990	9,306	8,952	83,947	1.10*
1991	9,409	8,939	88,051	1.10
1992	9,597	9,127	73,309	1:8*
1993	9,613	9,143	90,307	1:10
1994	9,230	8,392	103,329	1:12
1995	9,273	8,499	111,028	1:13

1996	9,717	9,116	130,997	1:14
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Remarks : In 1988, 1990, 1993, there were Royal King' Pardon which marked down the number of prisoners.

Table 9: Prison Staff Classified by Ranks

Level	Total	Job Assignments
10	1	Director-General
9	24	Deputy Director Generals, Senior Division Heads, Chief Superintendents
8	233	Senior Superintendents, Division Heads
7	642	Superintendents, Sub-Division Chiefs
6	903	Chief Officers, Section Chiefs
5	961	Principal Officers
4	3,386	Officers, Senior Guards
3	2,416	Guards
2	437	Guards
1	953	Guards
Employee	314	General Workers
Total	10,260	

Table 10 : Prisoners released on parole (1986-1996)

Years	Convicted prisoners	Parole recommended	Parole granted	Percentage to convicted	failure cases
1986	34,946	2,106	1,956	4.30	30
1987	37,729	2,181	2,778	5.18	46
1988	41,276	1,226	787	5.51	6
1989	23,899	1,644	1,220	3.29	8
1990	27,794	1,830	1,768	4.38	7
1991	31,754	1,251	956	5.56	1
1992	33,454	950	945	2.85	12
1993	36,944	1,720	1,282	2.55	4
1994	30,892	2,367	2,088	4.92	40
1995	64,746	2,572	2,114	1.55	52
1996	65,366	1,325	805	1:23	36

Table 11: Adult Education Courses Provided to Prisoners 1995-1997

Level	1995	1996	1997
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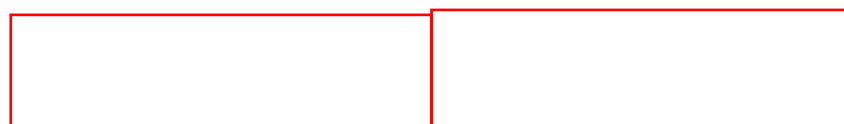
	no. of attendants	passed	no. of attendants	passed	no. of attendants	passed
1. Primary	12,705	2,315	12,327	1,927	12,871	883
2. Secondary	9,391	1,099	7,737	947	12,076	650
3. High School	1,174	114	2,382	195	3,348	99
4. University	639	21	701	20	852	18
total	23,909	3,549	23,147	3,089	29,147	1,645

Table 12: Vocational Training Courses Provided to Prisoners 1995-1997

Level	1995		1996		1997	
	no. of attendants	passed	no. of attendants	passed	no. of attendants	passed
1. Vocational Courses under Department of Non-formal Education	23,596	21,563	21,874	19,210	19,500	10,895
2. Vocational Courses under Department of Skill Development	2,595	2,595	10,091	10,091	11,051	11,051
3. Vocational Courses under Department of Vocational Education	1,174	1,163	1,218	1,218	916	907
total	27,354	25,321	33,183	30,512	31,467	22,853

Table 13: Religious Courses Provided to Prisoners 1995-1997

Level	1995		1996		1997	
	no. of attendants	passed	no. of attendants	passed	no. of attendants	passed
1. Elementary	3,630	2,259	19,120	3,673	3,848	-----
2. Intermediate	1,260	702	10,091	1,218	1,062	-----
3. Advance	1,163	237	1,211	387	408	-----
4. Meditation	28,287	28,287	16,801	16,801	31,250	31,250



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Chapter Four

The process

This Chapter describes the treatment process of prisoners while incarcerated. The topics include: admission, prisoner's children and property, segregation and distribution of prisoners, classification, orientation, daily routine schedule, health services and hygiene, food, education and vocational training, works, discipline, visitation, mails, prisoner class system, instruments of restraint, and grievance mechanisms. There are laws, Rules and Regulations that enable the Thai Department of Corrections administers prisons and correctional institutions. The major laws that govern the system are the Penitentiary Act B.E. 2479 (1936) (hereafter refer to as The Act), the Ministerial Regulations enacted by virtue of Article 58 of the Penitentiary Act (hereafter refer to as the Ministerial Regulations), Departmental Directives and other recommendations.

Admission

The admission of prisoners is the first step in the treatment process. Article 8 of The Penitentiary Act B.E. 2479 (1936) stipulates that Prison official shall not admit anyone into prison, except where there is a warrant, or a document issued by a competent authority.

Upon admission, prisoners are subject to:

1. Searched. Prisoners undergo both a body search and a search of their personal belongings. Departmental Directives state that staff conducting the search must be the same sex as the prisoners. In the case where there is no female staff to search female prisoners, prison official shall have such prisoners present all their personal belongings, or invite other reliable women to conduct a search on behalf of prison officials.

2. Being medically examined. Both the Act and the Ministerial Regulations stipulate that a physician shall medically examine prisoners on the first day of admission, or on the first available day. If the physician finds that any of the newly admitted prisoners are in need of medical services, such a physician shall make recommendations to custodial officers at once. The custodial officers shall, as far as possible, carry out such recommendations. These recommendations are for example: sending sick prisoners to outside hospital, segregating sick prisoners from the main group of prisoners, and so on.

3. Recording prisoner information. The Departmental Directives state that Record officers shall, as much as possible, gather information on newly

admitted prisoners as required in the prisoner's information file. These include: physical appearance, physical fitness, physiological assessment, as well as the verification of warrant and other documents.

Prisoner's children and property

Prisoner's children. Article 9 of the Act stipulates that prisoners may bring in their children if under 16 year old, provided that there is no guardian who can care for the children while prisoner is incarcerated. The Department issued Departmental Directives to be guidelines for the care of prisoner's children. Accordingly, the Head of institutions has discretionary power to consider, when appropriate, allowing prisoners to bring in their children or sending the children to a designated places. Before allowing children to stay in institutions, prison officials shall thoroughly investigate and prove that such prisoners have no any other relative to take care of their children while the prisoner is incarcerated. Then, effort should first be made to seek shelter such as a charity home or an organisation, other than prisons, in which such children can be accommodated. Once the best effort has made, and there is no other place or person to provide care for prisoner's children, the institution head may allow such children to stay in prison temporarily. However, condition is laid that the institution head shall continue seeking for an appropriate place for prisoner's children other than the prison, and send prisoner's children out of prison at the first available occasion.

Moreover, the Directives also state the following:

1. Prison officials shall provide food and necessities for prisoner's children
2. Prison officials shall, as far as possible, segregate prisoner's children from the main group of prisoners. However, if such segregation may cause more harm than good, prisoner's children may congregate with their parents (prisoners) or with other prisoners who also have children.
3. All cost incurred for the care for prisoner's children shall be borne by prisoner-parent. However, if such a prisoner-parent cannot afford the costs, prison official shall help to defray the coast by seeking funds elsewhere.
4. Education shall be provided to prisoner's children
5. Prisoner's children, who need to stay in prisons longer than 6 months, shall have their stay approved by the Director General.
6. Children who are born in prisons shall have their birth certificate recorded in an ordinary prison address, rather than in the name of prison.

Prisoner's property. The Ministerial Regulations classify prisoner's property into 3 categories, which are: contraband, prohibited items and permitted items. Prison official shall strictly enforce this rule. Smuggling in or possessing of contraband and prohibited items is an offence which is subject to disciplinary

charges or criminal charges.

The definition of contraband includes 8 items stipulated in the Ministerial Regulation, and are as follows:

1. Narcotics and other substance that cause addiction.
2. Liquor or spirit or other similar substances.
3. Gambling accessories.
4. Equipment or items that may help escape.
5. Weapon or any other items that can be used as a weapon.
6. Perishable or toxic items.
7. Explosive items and gasoline.
8. Live animals.

The definition of prohibited items include: contraband, cash and coins, items that have oversize and overweight, all form of medicine, illegal items, and items that are possessed illegally. This rule shall be applied to not only prisoners but also ordinary citizens. However, the rule is not applied to items belonging to prisons which are legally brought in.

Permitted items, prisoners may bring in some items to be used while incarcerated. These include: cooked food, toiletries and necessities, but the quantity shall not exceed personal use. Also, these items must be of manageable size and weight.

Management of prisoner's property. The Departmental directives provide guidelines as follows:

1. Contraband, if found, shall be forfeited.
2. Perishable or fresh items shall be disposed of.
3. Items that are oversize or overweight and prisoners are unable to dispose of; prison officials shall have them sold. Money received from the sale shall be deposited in prisoner's account.
4. Items that prisoners wish to deposit with prison official shall be kept in safe custody, and return to prisoners upon discharge. Cash shall be deposited in the prisoner's account and a receipt shall be issued to the depositor.
5. Unclaimed prisoner's property and money in prisoner's accounts shall be

forfeited under the following conditions:

- Escaped prisoners after one year from the date of escape
- Released prisoners after 3 month from the date of release
- Cash found in prisons where no one claim ownership

Segregation and Distribution of Prisoners

Segregation and distribution of prisoners are one of the most important elements in terms of prison management and rehabilitation. Segregation aims to keep prisoners in different grouping separated from each other. Grouping such as sex, age, offence severity, etc. This is to prevent criminal assimilation, as well as to provide suitable treatment for each type of prisoners. As for distribution, it is aimed to manage prison capacity and to place prisoners into appropriate prisons.

Segregation. The Ministerial Regulation states that prisoners under the following categories shall be segregated:

1. Female prisoners.
2. First time Prisoners who are under 25 years of age.
3. Prisoners convicted of sex offences.
4. Prisoners convicted of offences against life and bodily harm.
5. Prisoners convicted of offences against property.
6. Prisoners who are habitual offenders.
7. Prisoners who are not in the above categories, such as sick prisoners or those who suffer with communicable deceases.

Moreover, prisons should be divided into sections where each category of prisoners is segregated from the other. In the case where circumstances do not permit, prison official shall, as far as possible, segregate prisoners according to the above mentioned categories. Prisoners who, for some reasons, are not suitable to congregate with others in the same category, shall be transferred to other prisons or congregate with other categories. Prisoners who are under the same charge shall not be kept together.

Distribution of prisoners. Once convicted, prisoners shall be allocated to prisons or correctional institutions according to imprisonment terms. Guidelines for the transfer of prisoners are provided in the Departmental Directives. For example: prisoners with long sentences will be transferred to central prisons or other high security prisons according the list of prisons provided. Young

offenders with medium imprisonment terms (no more than 15 years) may be transferred to correctional institutions for young offenders, but are subject to the available capacity of those correctional institutions. This also applied to drug addicted prisoners. Prisoners will be transferred back to prisons near their home town after a portion of sentence has been served, or on compassionate grounds. However, short sentence prisoners may be transferred to high security prisons whenever there are security risks.

However, the success of prisoners segregation and relocation is still far from reaching a satisfactory level. In 1997, there are only 50.8 per cent of prisons that could segregate prisoners awaiting trial away from convicted prisoners. As for the segregation of young prisoners and drug addicted prisoners, there only 24 per cent of prisons that could carry out this task. There are still a large number of young prisoners and drug addicted prisoners who congregate with the main prison population. The major obstacles is the lack of facilities.

Classifications of Prisoners

The Department recognises the importance of prisoner classification, and regards this measure as a major means to the success of prisoner rehabilitation. Accordingly, effort has been made to implement prisoner classification as much as possible. The following are the Departmental Directives on prisoner classification in Thailand:

1. Each prison shall set up an induction section or designated cells for newly admitted prisoners. This is to allow new prisoners to adjust themselves toward a new environment and to become familiar with the prison regime.
2. Appropriate numbers of classification officers shall be appointed in each prisons to carry out this task. Such officers shall be fully trained and equipped with knowledge about the classification process.
3. The staff in every prison shall recognise the importance of prisoner classification, and provide support and cooperation with classification officers. Trained Classification officers shall not be assigned to work on duties other than carrying out classification task.
4. Every new prisoner shall undergo the classification process from admission until release. This applies to both convicted and prisoners awaiting trial. Classification reports shall be kept in prisoner information files for further use when considering granting privileges or punishments.
5. There shall be a classification committee at every prison. This committee is responsible for assigning treatment programs and places of confinement for each prisoner. The determination on placement and programs are made in light

of the knowledge obtained about individual needs, background, offence and severity, term of imprisonment, capacities, interests and so on.

6. A monthly report on the progress of classification at each prison shall be made to the Department Headquarters.

Despite having encouraged every prison to implement prisoner classification, the overall success rate is still far from reaching the optimum. There are only 12 prisons that have a separate section for newly admitted prisoners, and another 33 per cent have a designated area for new prisoners. In terms of numbers of prisoners, only 59 per cent of prisons that could have all prisoners undergo the classification process.

Orientation

Familiarisation of the prison environment as well as rules and regulations is important. Having prisoners understand rules and regulations may help to keep prison discipline and minimise breach of regulations. The Departmental Directives states orientation procedures as follows:

1. Every prison shall explain all rules and regulations to all newly admitted prisoners. Such explanation shall cover: prison rules, daily routine schedule, expected behaviour while incarcerated and so on.
2. Every prison shall reiterate rules and regulations to all prisoners at least every two months.
3. Every prison shall have written rules and regulations posted clearly, seen in common areas, and written in such a way as to be easily understood.

Daily Routine Schedule

Dealing with numbers of prisoners, a daily routine schedule for prisoners is necessary to ensure peace and orders in correctional settings. The Department of Corrections set out a uniform daily routine schedule for prisoners to be applied throughout the system as follows:

Time	Activities	Remarks
<u>Weekdays</u>		
05.30	wake up time	
06.00	leave cells and morning indoctrination	
07.00	morning shower	
08.00	observe National Anthem and breakfast	
08.30-08.45	meditation for 15 minutes	
09.00	attend schools or vocational training	
12.00	lunch break	
13.00	attend schools or vocational training	
14.50	10 minute break	
16.00	free time	
16.30	afternoon shower	Morning indoctrination should cover the issues of : moral, culture, citizen duty, physical exercise, and foot drill. Each of these activities is determined by duty officer.
17.00	Dinner	
18.00	observe National Anthem and return to cells	
19.00	pray	
19.00-19.15	meditation for 15 minutes and bed time	Evening indoctrination should cover the issues of: general laws, rules and regulations, ethic or any other general knowledge. Period of indoctrination should be around 10 minute, and the subject is selected by the duty officer.
<u>weekends</u>		
05.30	wake up time	
06.00	leave cells	
07.00	morning shower	
08.00	observe National Anthem and breakfast	Individual indoctrination should also be provided whenever circumstances permit.
08.30-08.45	meditation for 15 minutes	
09.00	inculcation and free time	
12.00	lunch break	
14.00	religious inculcation	
15.00	free time and recreation	
16.30	afternoon shower	
17.00	Dinner	
18.00	observe National Anthem and return to cells	
19.00	pray	
19.00-19.15	meditation for 15 minutes and bed time	

The Departmental Directives also state that prison official shall post this daily routine schedule clearly seen in common areas of prisons. In case where the above schedule is not applicable to some prisons, the head of institution has discretionary power to amend such a schedule to suit their environment. However, the amended schedule shall be consistent with the schedule set out in the Department Directives.

Prisoner Health and Hygiene

Providing health services and hygiene to prisoners is an important duty of prison official. This would be consistent with the responsibility of care, prison management and humanitarian principles. Accordingly, the Department has set up one medical prison located in Bangkok to be a central hospital for sick prisoners who require long term treatment. The hospital is equipped with qualified physicians, dentists, nurses and other medial technicians. Also, it has 350 bed capacity, and is divided into various wards to provide care to each types of sickness.

Health Services. There are procedures set out as follows:

1. Sick prisoners and pregnant prisoners shall be provided with necessary medical care. (Article 29 of the Act.)
2. Director General, based upon recommendations made by medical officers, may allow sick prisoners to be hospitalised at any designated places outside the prison, with or without conditions. The period of absence from prisons shall not effect the imprisonment term or its termination. However, prisoner who escape from designated places outside the prison are regarded as escaping from custody. (Article 30 of the Act.)
3. There shall be a physician attached to every prison. However, if such is not applicable, physician of the Ministry of Public Health shall be appointed to work as prison physicians to carry out this task in prisons.
4. Prison physician shall examine newly admitted prisoners on the first day of admission or on the first available day.
5. If the prison physician finds that any of the newly admitted prisoners are in need of medical services, such a physician shall make recommendations to custodial officers at once. The custodial officers shall, as far as possible, carry out such recommendations. These recommendations are for example: sending sick prisoners to outside hospital, segregating sick prisoners from the main group of prisoners, and so on.
6. There shall be a dispensary attached to every prison, run by qualified medical staff.
7. Prisoners who are: drug addicted or pregnant or recently given birth shall be treated as a sick prisoners. (The Ministerial Regulations)
8. Pregnant prisoners may be allowed to give birth at designated hospitals outside of the prisons. After giving birth, she may stay on in the hospital for the period of no more than 7

days for post-natal care.

9. Prisoners who are suffering from leprosy or communicable diseases shall be segregated from other prisoners.

Prisoner hygiene. There are procedures set out as follows:

1. Prisoners shall be encouraged to take pride in their appearance, personal hygiene and cleanliness.
2. A prison physician shall inspect prison hygiene and sanitation in general, every 3 days
3. Prisoners shall keep themselves, their cells, bedding and clothing personal amenities, clean.
4. Convicted prisoners shall be clean shaven, without beard and moustache, keep hair short, clean body and maintain a neat appearance.
5. Bedding must be kept in good order and cleaned often.
6. Fresh drinking water must be available to every prisoner when needed.

Efforts have been made to increase to acceptable standard the prison health services and hygiene. However, due to the budget and medical personnel shortages, the overall success rate of these projects is still far from reaching its goals. Despite encouraging the assistance of NGOs to help elevate the services provided to prisoners, prison health services are still in need of improvement.

Food Services

The Ministerial Regulations and the Departmental Directives stipulate as follows:

1. Prisoners are not allowed to cook their own food or bring food to eat outside designated areas without approval of duty officer. (Article 75 of the Ministerial Regulations)
2. Convicted prisoners shall eat food provided by the prison, except where specified otherwise by the Departmental Order. Unconvicted prisoners may choose to eat private food. (Article 76 of the Ministerial Regulations)
3. Prisons official shall provide at least 2 meals a day to prisoner: breakfast and supper. Each meal shall consist of rice or other substitute and a side dish or other substitute. (Article 77 of the Ministerial Regulations)

4. Prisoners who engage in strenuous work or prisoners in Good Class and above, may be provided with extra food or extra meal or be allowed to eat private food. (Article 78 of the Ministerial Regulations)
5. Food provided to prisoners shall be examined by a physician or prison official. Spoil food must be disposed of. (Article 77 of the Ministerial Regulations)
6. Food for prisoners shall be cooked inside the prisons. Prison officers and prisoners engaged in food preparation shall be specifically assigned and have undergone medial examination. (Article 80 of the Ministerial Regulations)
7. Food provided must contain nutritional value adequate for health and well being.
8. Special dietary food shall be provided where it is established such food is necessary for medical reasons, on account of a prisoner's religious beliefs, because the prisoner is a vegetarian, or where the prisoner has other special needs.
9. Prison canteena shall be established in every prison so as to be a welfare service for prisoners and staff. Items sold at these canteens shall be in same price as outside markets. Price lists must be posted and clearly seen. Profit gained from this canteen shall be used on prisoner and staff welfare purposes.

Education and vocational training,

The Department values education and vocational training as part of the rehabilitation program. Various forms of education are provided with the aim to equip prisoners with useful knowledge of both formal and vocational training, thereby giving them an opportunity to carry on lawful occupations and cause less harm to society. Accordingly, the Department has established an adult education school in every prison. The curriculum taught in these schools are consistent with that of the Department of Non-formal Education, The Ministry of Education. Prisoners who have passed any of these curricula are entitled to a certificate issued by the Ministry of Education. Prisoners may partake in any courses in prisons, provided that they must apply to the education officer at each prison. Education programs are divided into two branches, which are religious courses and general education courses.

Religious courses. Buddhism courses are provided to prisoners at 3 levels, which are: beginner, intermediate and advanced courses. Religious instructors are either prison chaplain or qualified Buddhist monks who are invited. As for other religions, religious instructors of each religion, like Muslim, Christian and so on are invited regularly to conduct religion courses according to their own faith. Moreover, during weekends or on special occasions, these instructors are invited perform religious rites inside the prisons.

General education. The programs are divided into 4 levels, which are: Level 1, equivalent to literacy course; Level 2, equivalent to pre-primary level; Level 3, equivalent to primary school level; and Level 4, equivalent secondary school level. Each of the course lasts for 6 months.

Moreover, prisoners may enrol in university extension courses conducted by Sukhothai Thammathirat Open University. The Departmental Directives state that prison official shall encourage prisoner to pursue their education as far as

possible. Facilities and equipment shall be provided for prisoners to complete their education. Their work schedule shall be re-arranged to suit both prison management and prisoner's education. Certain costs, like tuition fee, books and other expenses, shall be borne by the prisoners. However, prison officials are instructed to seek funds from elsewhere to support prisoner higher education.

Vocational Training Courses. The courses are provided in both theory and practice. Various subjects are offered, such as: agriculture, carpentry, barbering, welding, auto-repairing, dress making, tailoring, electricity, carpet making, masonry and so on. Prisoners who attend all of these courses are entitled to a certificate issued by the Ministry of Education.

Indoctrination. All prisoners shall be indoctrinated regularly, especially during weekend and morning and afternoon briefings. Newly admitted prisoners and other prisoners are required to attend. Subjects that are given include: moral, duty of good citizen, religion, correct attitude, rules, regulation and laws.

Library The Department has established a library in every prisons. Various kind of books and references are provided. Prisoners are encouraged to make good use of a library, provided that they use the library during their leisure time.

Work of Prisoners

Under the laws, all convicted prisoners in Thailand shall engage in works assigned by prison officials. Unconvicted prisoners are required to engage in work related to prison hygiene, and sanitation. The Department values the works of prisoners as a mean to: maintain prison order; equip prisoners with skills; and utilise their labour. The Act, the Ministerial Regulations and the Departmental Directives set out guidelines as follows:

1. Works to be assigned to prisoners shall be based on: the term of imprisonment, physical and mental fitness, character, behaviour, skills, economic outcome, progress of prisoners, and prison environment. (Article 50 of the Ministerial Regulations)
2. Prisoners under 25 years of age shall be provided with education and vocational training. (Article 51 of the Ministerial Regulations)
3. Prisoners who die or are injured while working in prisons shall be entitled to compensation. In case of death, such compensation shall be paid to the heir of prisoners. (Article 26 of the Ministerial Regulations)
4. Prison Officials shall not use prisoner labour work for their private gain, except where the rules permit. (Article 55 of the Ministerial Regulations)
5. Prisoners who engage in work are entitled to 50 per cent of the net profit gained from the sale of products.

80 per cent of prisoners in the Thai correctional system are engaged in work program, such as carpentry, wood carving, carpet making, auto repairing, and

so on. The annual sale of prison industry products is around 200 million Baht. (\$US 5 million) Prisoners share 50 per cent of the net profit gained from this sale.

Discipline

According to the law, prisoners shall comply with prison rules and regulations. Prisoners who demonstrate good behaviour, progress in education, diligence, support prison activities, may be entitled to privileges as stipulated in Article 32 of the Act and the Ministerial Regulations. These include:

1. receiving privileges as specified by the Departmental Directives.
2. being promoted to higher class levels according prisoner class system
3. being appointed as a trusty
4. receiving furlough for the period of no more than 4 days excluding travelling time, provided that prisoners have proved the necessity to be on home leave
5. being paroled according to conditions set out by the Minister. Provided that prisoners must have served more than one third of the sentence, or more than 10 years in the case of life imprisonment. (detail of parole is provide in Chapter 5)
6. receiving good conduct allowance for the period of no more than 5 days a month under condition set out in the Ministerial Regulations. (detail of good conduct allowance is provided in Chapter 5)
7. being sent to engage in public works outside of the prisons and earn sentence remission. (detail of public work is provided in Chapter 5)

As for prisoners who breach rules and regulations, they shall be punished either by the following types of punishment or more. Provided that an investigation and a hearing shall be thoroughly made. (Article 35 of the Act).

1. Admonishment
2. Suspension of class promotion for specified period
3. Class demotion
4. Suspension of visits for a period of no more than 3 months
5. Reduction or deprivation of all privileges and rewards, or part thereof
6. Solitary confinement for the period of no more than 3 months

7. Confinement in a dark cell without sleeping kit for the period of no more than 2 day in one week, with the approval of a physician.

8. Caning no more than 20 strokes under physician supervision. A second caning shall not be carried out within 30 days of the date of the previous caning. Caning shall not be imposed on female prisoners.

9. Revocation of good conduct allowance.

Items number (7) and (8) are no longer applicable according to the Departmental Directives, but still exist in the law.

Visitation

In general, prisoners are entitled to have visits as often as circumstance and facility permit. Visitation is allowed on weekdays for the period of 30 minutes during office hours, provided that prisoners agree to have a visit. Prison officials has the rights to: hear a conversation between prisoners and visitors; to patrol around visiting areas; to search visitors; and to remove visitors out of prisons when necessary. In the typical visiting room, there is iron bar barrier and 1 meter distance in between the prisoners and visitors to ensure that there is no contact. Prisoners are allowed to received permitted items that visitors bring in for them. Cash given to prisoners must be deposited in prisoner's account.

As for visitors, there is no limit on persons wishing to visit prisoners, but their Identification Card and information must be recorded, and they are subject to search before entering the prison. Visitors are requested to stay within designated areas.

In term of frequency, prisoners are normally allowed to have a visit at least once a week. In some prisons where circumstances permit, prisoners may be allowed to have visits a few more times a week. Visits may be suspended for the period of no more than 3 months if prisoners breach rules and regulations.

Legal visit. Their legal counsel may request to see prisoners as often as they wish during office hours, and prisoners retain this visit as a right. There is no time limit for legal visits as well as special facilities are also provided.

Visit by Consul. Foreign prisoners may receive visits from the Consul or Consular representatives at special facilities. Conditions for consul visit are the same as legal visit.

Contact visit. The program aims to strengthen close-tie between prisoners and their family members, by allowing visits where there is no barrier that hinder their communication. Visitors (no more than 5 per prisoner) are allowed to enter into the prisons and remain in designated areas. While having a contact visit, prisoners are allowed to have meal and talk freely with their family for the period of 2 hours. Visitors and prisoners are subject to being searched thoroughly before and after a visit. Prisoners who

are eligible for this visit must be in the Good class and above. The right to a contact visit may be revoked if prisoners breach rules and regulations. The Department holds a contact visit twice a year, and each inside visit period lasts for 10 days. The Department also holds a contact visit for foreign prisoners during the Christmas holidays.

Special Visits. Sick prisoners who are being hospitalised inside the prison may be allowed to have a contact visit inside the prison, or access to a telephone. This special visit must be approved by the Director of the Medical Prison

Mail

The incoming and outgoing mail of prisoners are subject to censorship. This includes. However, there is no limit for prisoners to send or receive such mail. Books and magazines sent to prisoners must be approved before being handed to prisoners.

Prisoner Class System

Convicted prisoners in Thailand are classified into 6 classes which are: Excellent, Very Good, Good, Fair, Bad and Very Bad. Prisoners, upon conviction, will be classified into Fair Class. Those who have previous conviction during the past 5 years will be in Bad Class. Prisoners will be promoted to higher class when they show good behaviour, progress in education, diligence, support prison activities and so on. Prison officials will review prisoner class twice a year and make recommendations to head of the institution. Each class results in different types of privileges. Prisoners in higher classes receive better treatment and enjoy more privileges than those in the lower ones. The privileges are for example: being appointed as a trusty, earning sentence remission, earning parole and so on. On the contrary, those who are not well behaved will be demoted to lower classes and have their privileges revoked.

Instruments of Restraint

According to the law, instruments of restraint are: leg chains, handcuffs, irons. However, such instruments are not allowed to be used as punishment. Prison officials may apply either of these instruments or more when other methods have failed; in order to prevent prisoners from injuring themselves, or others; from damaging property; during transfer to courts or other temporary absence from prisons; and as a precaution against escape. In practice, the instruments are applied on: death sentence prisoners, prisoners who commit serious crime, convicted prisoners with long sentences.

However, the instruments of restraint shall not be applied for any longer time than necessary, and shall not be applied on female prisoners and prisoners with the age of 60 year old or more. The instruments shall be removed when it causes harm to prisoners and when prisoners are transferred to high security prison.

Grievance Mechanisms

Complaints, requests and petitions of prisoners are a major mode to ensure good prison management. According to the Ministerial Regulations (Article 120-126), complaints can be made both verbally and in writing to duty custodial officers. Prison officials shall record a verbal complaint and issue a receipt to prisoners. Such a receipt shall also be issued to those who lodge a written complaint. Every prisoner has the right to make complaints under confidential cover to any authority or persons within or outside the correctional

system. Prison officials shall arrange such a confidential complaint to be sent out to that persons or authority addressed or referred to without any delay.

As for an ordinary complaint, prison official shall deal and settle such a complaint promptly. Every complaint or request shall be replied to, provided that the prisoner acknowledges the receipt of such a reply. Prisoners who are not satisfied with the reply may make another complaint addressed to a higher authority, and prison officials shall arrange such a complaint to be sent out without any delay.

Conclusion

In this Chapter, the topics that involves the treatment of prisoners in Thailand are briefly mentioned. The Act, the Ministerial Regulations and all other Departmental Directives provide clear guidelines and procedures to manage prisons and prisoners. Efforts have been made to ensure that prison officials have tried their best to comply with the above said procedures in order to maintain good order in prison regime, as well as to provide an opportunity to utilise incarceration period in a constructive and beneficial manner.

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Chapter Five

The Release

In this Chapter, all release mechanisms that exist in the Thai correctional system are explained. Generally, prisoners are released when the warrant of imprisonment expires. Prison officials shall arrange for such prisoners to be sent out of prisons without any delay. Provided that the release date must be on the same day as stipulated in the warrant. There are three other mechanisms that enable prisoners to be released prior to the termination of sentences, the Royal King's Pardon, Parole, Good Conduct Allowances, and Public Work Allowances. Prisoners released on these mechanisms are required to comply with the rules and regulations set out for each type of release. Moreover, The issue of international transfer of prisoners which is another mechanism that enable foreign prisoners to be repatriated back to their own country is also included in this Chapter.

Termination of Sentences

As previously mentioned in the Chapter One, prison officials have the authority to detain prisoners according to warrant of detention or imprisonment issued by the Courts or under any lawful orders. Upon expiration of such warrants, prison authority have no authority to detain prisoners any longer. However, prisoners with serious illness may submit a request to stay on in prisons, provided that the approval from the head of the institutions is granted. (Article 41 of the Act) In practice, such a case does not likely to occur, prison officials will try to seek shelter elsewhere for seriously sick prisoners who are due to be released.

Article 132 of The Ministerial Regulations stipulates release procedures as follows:

1. All government property issued to prisoners shall be returned to prison officials.
2. One set of clothing shall be given to prisoners who cannot afford their own.
3. The release shall be verified and documented.
4. All prisoner's property shall be returned to owners
5. A release certificate shall be issued to prisoners.

Moreover, prison officials are instructed to foster prisoner reintegration into society in order to help them overcome hardship after release, and to minimise recidivism. Travelling expenses will be given upon request. Advice on employment, temporary shelter like Halfway house, and other forms of social welfare are also available for prisoners. As for those who are booked by other authorities for further legal actions, like foreigners or those who are under other criminal charges, will be transferred to requested authorities respectively.

Parole

Parole is a correctional measure that encourage prisoners to behave while incarcerated. Prisoners in the Good class and above who demonstrate their: good conduct; progress in education; diligence; and support prison activities, may be granted parole. Parole enables prisoners to be on conditional release from prisons, and undergo a supervision period till the end of their sentence. This measure does not affect judicial authority whereby the sentence is not shortened. It is considered as an alternative treatment under which prisoners are not necessarily detained in prisons to serve the sentence. Prisoners who are on parole still retain prisoner status until the end of supervision period. Parole is also a mechanism that foster prisoner's readjustment toward society, because there are conditions set out for prisoners to comply. Those who fail to comply with their conditions will be recaptured to serve the remainder of sentences.

Prisoners will be eligible for parole when one third of their sentence has been served, provided that they are in the Good Class and above. The minimum time serve shall be changed to 10 years if prisoners received a life sentence. Accordingly, the maximum parole period that may be granted to eligible prisoners is set out in accordance with prisoner class, and is as follows:

1. Excellent Class prisoners may receive a parole period up to one-third of the sentence.
2. Very Good Class prisoners may receive a parole period up to one-fourth of the sentence
3. Good Class prisoners may receive a parole period up to one-fifth of the sentence

Parole Procedures. Parole is not a right to every prisoner, but it is a privilege for well behaved prisoners only. The Director General of Corrections has to authority to grant parole to eligible prisoners. However, since there are over 130,000 prisoners in the Thai correctional system, parole committees have been set up at each prison. These committees are responsible for considering and recommending any prisoners to be paroled. The procedures state that in every 6 months, duty officers shall carefully select prisoners under their control who both meet the requirements, show their good conduct and progress in rehabilitation. They will then submit a recommendation to the parole committee of the prison. The committee shall investigate, well as gather all information necessary to submit recommendations to the Director-General. The Director-General may grant parole to any prisoners recommended.

However, at the departmental level, there is also a committee appointed by the Director

General to double check all recommendations before passing on to the Director-General.

Examples of conditions for parolees to comply are as follows: reporting monthly to prison authority or local police station or district office; dwelling at the approved address; performing lawful occupations; cooperating with volunteer parole officers who will regularly visit them; remaining within designated areas or province; refrain from consuming drug and alcohol, and so on. Failure to comply with such regulation may result in recapturing to serve the remaining sentence.

In 1996, there were 1,325 prisoners recommended for parole, but there were only 805 were granted. This account only 2 per cent of the total convicted prison population. As for failure cases, there were 36 cases whose parole was revoked. Detail of prisoners released on parole shown in Chapter Three.

Good Conduct Allowances

Good Conduct Allowances is another measure that enable prisoners to be released prior to the termination of sentence. It was introduced to the Thai correctional system in 1978 as a result of overcrowding. Prisoners in Good class and above who demonstrate their: good conduct; progress in education; diligence; and support prison activities, may be receive good conduct allowances. This means, prisoners are to be on conditional release from prisons, and undergo supervision period till the end of their sentence. This measure does not affect judicial authority and the sentence is not shortened. Prisoners released by this measure still retain prisoner status until the end of supervision period. This measure is considered as an alternative treatment under which prisoners are not necessarily detained in prisons to serve the sentence. Prisoners who fail to comply with supervision conditions will be recaptured to serve the remaining sentences.

Prisoners in Good Class and above may receive Good Conduct Allowances of no more than 5 days a month, that accumulate until the amount of days they received is equivalent to the remaining sentence. Then, they will be released on conditions for supervision till the termination of their sentences. However, the Ministerial Regulations state the number of days that prisoners may earn in accordance with their classes as follows:

1. Prisoners in Excellent Class may earn 5 days a month
2. Prisoners in Very Good Class may earn 4 days a month
3. Prisoners in Good Class may earn 3 days a month

Procedures Good conduct Allowances is not a right to every prisoner, but only to those who are well behaved. Despite having accumulated as much as a few years, prisoners may not be released on this measures if they are not well behaved or breach rules and regulations. Deprivation of Good Conduct Allowances may be imposed on prisoners as a punishment.

The procedure begins when prison officials submit the report of each prisoner whose earned good conduct allowances is as mush as the remaining sentence. The report is submitted to the Committee for Considering Granting Good Conduct Allowances to Prisoners. The committee which is comprised of representatives from: the Department of Social Welfare, Police Department, Psychiatry Department; and Director General of Corrections Department as a chairperson, has sole authority to grant or withhold the allowances that prisoners have earned. Generally speaking, most of the cases brought to the committee are likely to be granted, except under unusual circumstances.

Conditions for prisoners released on good conduct allowances are set the same as those on

parole. For example: report monthly to prison authority or local police station or district office; dwell at the approved address; perform lawful occupation; cooperate with volunteer parole officers who will regularly visit them; shall not leave designated areas or province; shall not consume drug and alcohol, and so on. Failure to comply with such regulations may result in recapturing to serve the remaining sentence.

In 1996 , there were 17,736 prisoners granted good conduct allowances which account for around 26 per cent of the total convicted prison population. For failure to comply with conditions, there were 19 cases were recaptured.

Public Work Allowances

This measure was subsequently introduced to the Thai correctional system in 1980 to provide employment opportunity for prisoners and utilise prison labour for community interest. This measure enables prison officials to send convicted prisoners whose remaining sentence is less than 2 years to engage in public works outside the prisons. Provided that, the numbers of days they worked shall be recorded as remission days. The work is for example: construction, cleaning public areas, sewerage cleaning and so on. Once their accumulated remission days is equivalent to the remaining sentence, such prisoners will be released on supervision. Moreover, prisoners who engaged in these public work projects are entitled to 80 per cent of the net profits earned from their work.

There are conditions set out for considering sending any prisoners to work outside prisons on public work projects. For example, prisoners under: narcotic charges; internal and external security charges; against the monarch charges are not allowed to partake. The works shall be limited to government or local authority or state enterprises work only. Prisoners to be sent out must be fit both mentally and physically, and have the remaining sentence no more than 2 years as well as have the minimum time serve according to their classes as follows:

1. One-fifth for Excellent class prisoners
2. One-fourth for Very Good class prisoners
3. One-third for Good class prisoners
4. Half for Fair class prisoners

Procedure. The procedure begins when prison officials submit a proposal to send prisoners to work on public projects to the Department of Corrections. The proposal must provides details, like: the number of days to work, source of funds, project owner and so on. Once the proposal is approved as a public work project, prisoners who engage in this project are entitled to earn a sentence remission, and share 80 per cent of the net profit gained form the projects. A sentence remission earned from the public work can be combined on top of the remission days earned from good conduct allowances.

Prisoners will be qualified for release under this measure when their accumulated remission days are equivalent to the remaining sentence. Prison officials shall submit a report of each prisoner to the same committee for considering granting good conduct allowances. The numbers of remission days may be revoked as a punishment if they are not well behaved or breach rules and regulations.

Conditions for supervision are set the same as those on good conduct allowance. Failure to comply with such conditions may result in recapturing to serve the remaining sentence.

In 1996 , there were 3,520 prisoners engaged in 301 projects throughout Thailand. The total budget involves in these project were 300,000,000 Baht.

The Royal King's Pardons

The Royal King's Pardon is part of the sovereignty that the King as the head of state may grant to anyone. With a long a history of an absolute monarchy, the King of Thailand retains the right to pardon. Under the Constitution, The King has power to grant pardon to commute, reduce or terminate sentences with or without condition. Such pardons would overrule all the previous convictions.

The Royal King's pardon serves several purposes such as: to solve miscarriage of justice; to restore equal justice to offenders; to restore the country unity; to provide opportunity for offenders; to mark important national occasions; to foster international relation and so on. There are two types of the Royal King's Pardon, which are: collective pardon and individual pardon.

The Collective Pardon. Whenever there is an important event in the country, such as: to mark their Majesties 60th Anniversary, the Golden Jubilee and so on, the Cabinet may submit a recommendation to His Majesty the King to consider granting the Royal King's pardon to commemorate these important events.

Conditions to which prisoners are benefited under the Royal Decree of Pardon are laid down by an ad hoc drafting committee. Such a committee is comprised of representatives from various government departments such as: Ministry of Interior, Police Department, Office of the Attorney General, Ministry of Justice, Office of His Majesty's Principle Private Secretary, Department of Corrections, and so on. Conditions written in each Decree vary from one to another depending upon: situations, crime trends, government penal policy, etc. Generally, each of the Decree stipulates three main conditions as follows:

1. Conditions for those who are eligible for release. This may include: those who have less than 6 months to be served; disable persons with total blindness, loss both hands or feet; those who are suffering with serious illness; pregnant prisoners who have less than 1 year to be served; those who are over 60 year old and have served more than 5 years; those who are under 20 year old and have serve more than half of the sentence, and those who are on conditional release, and so on.

2. Conditions for those who are eligible for sentence commutations. Those who are not qualified to the above said conditions may have their sentence commuted according to their class. The reduction of each Decree vary from one to another. The following is an example of how the Decree commutes prisoner sentences.:

- 2.1 Death Sentence prisoners shall have their sentence commuted to life imprisonment.

- 2.2 Life sentence prisoners shall have their sentence commuted to 40 year imprisonment.

- 2.3 Those who are on definite imprisonment terms shall have their sentence reduced according to their classes. The reduction terms range from half for prisoners in Excellent class till one-seventh for those who are in Very Bad class respectively.

3. Conditions for those who are not benefited under the Decree. Prisoners receive neither release nor sentence reduction are for example, those who committed: serious drug offences, serious crimes or any other crimes stipulated in the Decree.

Throughout the history of the Thai correctional system, there have been a number of the

Royal King's Pardon granted to prisoners to commemorate important national events. Each of the pardon enables thousands of prisoners to be released out of prisons. This would in turn help to temporarily solve prison overcrowding. Statistics of the Royal King's Pardon granted during past 10 years are shown in Chapter Three

Individual King's Pardon. Any convicted prisoners, or their relatives has the right to submit a petition to His Majesty the King for royal clemency. This is stipulated in the Penal Code and the Penitentiary Act. Prison officials, upon receipt of such a petition, shall forward it to His Majesty the King through a designated channel. The channel begins at prison where all information of prisoners is filed. It is then forwarded to the Department Headquarters, to the Minister of Interior, to the Prime Minister, to the Office of His Majesty Principle Privy Secretary, to the Privy Council and to His Majesty the King. However, once the petition is denied, prisoners has to wait for two years to re-submit their petition again.

Death sentence prisoners shall not be executed once they have submitted a petition to His Majesty the King for royal pardon. As long as there is no further notice whether or not such the Royal King's pardon is granted or denied, such prisoners remain in the death row.

International Transfer of Foreign Prisoners

The idea of the transfer of foreign prisoners recalls the resolution 13th adopted by the United Nations Congress on the Prevention of Crime and the treatment of offenders, held in Caracas, Venezuela in 1980. The intent of the transfer is to facilitate the return of persons convicted on crime abroad to their country of nationality or of residence to serve the remaining sentence.

The purpose for prisoners transfer are to: develop humane and effective rehabilitation under which prisoners are confined and rehabilitated in the country of their own; bring about international cooperation on matters of corrective services according to the recommendations of the United Nations.

At present, Thailand has signed treaties with 11 countries to facilitate the transfers. These are : U.S.A, Canada, Spain, Italy, France, United Kingdom, Germany, Sweden, Finland, Portugal, and Austria. There were 143 foreign prisoners transferred out of Thailand, and there were 3 Thai prisoners who were brought back to serve the remaining sentence in Thailand.

Conditions. There are conditions set out in treaties and laws of each country before facilitating the transfers. For example: the transfer must by agreed upon by transferring state and receiving state. Prisoners must be explained thoroughly of the consequence of the transfer and consent to do so. The transfer must be for the interest of prisoners, any transfer that detriment prisoner's interest is prohibited. All expenses incurred during the transfer must be borne by the receiving state. The transfer procedures must be commenced through a diplomatic channel. Receiving state shall arrange a warrant of imprisonment issued by the transferring state to be carried out in their jurisdiction accordingly.

As for Thailand, the conditions for foreign prisoners to be eligible for the transfer are set as follows:

1. Prisoners must be convicted, have served more than 4 years or one-third, depending on which side is more, and have the remainder more than 1 year. The minimum time served shall be changed to 8 years for those who received a life sentence.

2. Prisoners who committed the offences against: internal or external security; the monarch; legislation protecting national art treasures, are excluded from the transfer.

3. The Committee for Consideration of the Transfer of Prisoners chaired by the Permanent Secretary of Justice is the sole authority to deal with the transfer of foreign prisoners in Thailand.

Conclusion

This Chapter provides details on release mechanisms in the Thai correctional system. These include the termination of sentence, parole, sentence remission and the Royal King's Pardon. Apart from serving its own purpose, the Royal King's Pardon results in a large number of released prisoners which help to temporarily reduce prison overcrowding. It is also regarded as remedy for justice miscarriage in the Thai criminal justice system. As for Parole and sentence remission, these measures help to promote good prison order and foster prisoner reintegration into society. The transfer of foreign prisoners back to their country of nationality help facilitate rehabilitation, under which prisoners are confined near their family and culture, and alienation and hardship are minimised.

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Chapter Six

The Issues

In this Chapter, the discussions are made on some selected issues relating the administration of the Thai correctional system. All of these issues are crucial to the success of the system, which include: lack of new initiatives, overcrowding situation, insufficient budget, shortage of staff, high staff and prisoner ratio; poor living conditions, outdate prison design, lack of standards, absence of classifications, quality of food, and inadequate rehabilitation programs. All these issues have brought about a deterioration in Thai prison conditions.

Lack of New Initiatives

Over the past 60 years, only three modifications have been made to the Penitentiary Act B.E. 2479 (1936). The first was in 1977 whereby a good conduct allowance system or remission was introduced in order to relieve overcrowding. The second modification, in 1979, enabled those who were being detained under lawful orders to earn the status of convicted prisoners under this Act. After that, there were changes in 1980 whereby the public works system was introduced so as to allow the Department to send selected convicts to engage in public work activities and earn sentence remissions. However, there has been no internal or independent external commission or committee appointed to look into the problems of prison conditions or prisoner's rights in Thailand. These few modifications, and the lack of government attention, indicate that ideas relating to prison law reform which directly address the issue of prison conditions in Thailand have yet to be developed.

Overcrowding Situation

In 1997 there were 114,389 male and 16,608 female prisoners held in correctional facilities throughout Thailand. Of these, 57.49 per cent were convicted prisoners, and 41 per cent were on remand. Prisoners convicted of offences against property and narcotic laws form the largest groups in the prison population. 92 per cent of prisoners had completed primary education while a small number had completed higher education. There were only 0.5 per cent of prisoners who had completed university education. The prison population in Thailand has increased dramatically during the previous ten years, creating problems for the Department in carrying out its tasks effectively.

Overcrowding is a problem for the correctional administrators in the 1990s. The increase in the prison population in Thailand during the last decade has created a crisis in the country's correctional system. With a maximum capacity of 80,000 currently there are 130,997 prisoners of all types incarcerated in prisons throughout Thailand. Although the Department was allocated more new prisons, these new spaces were filled up in a very short time. Despite having a Royal Decree of Pardon to relieve this overcrowding crisis from time to time, this is not a permanent solution to the problem. After a few years, the prison population starts to climb back to the same level, and continues to grow far beyond the overall capacity again. There are two measures that the Department has used to relieve overcrowding: good time allowances and parole. Although a certain number of prisoners are released on condition each year, the overcrowding crisis still remains within the Thai correctional system.

Insufficient Budget

In terms of budget, in the fiscal year 1995 the Department of Corrections received 3,028,457,000 Baht. Of this amount, staff salaries and remuneration accounted for 31.32 per cent, 31.18 per cent was allocated for prisoners' food and 33.58 per cent for building and construction. During the previous three years, the Department's annual budget increased greatly from 903,044,225 Baht in 1986 to 3,028,457,000 Baht in 1995. There were three reasons for this sharp increase in the Department's annual budget: the Ministry of Justice had established many new provincial courts in several major districts, thus it was necessary for the government to allocate money for more new local prisons under the new court jurisdictions; there was an increasing amount spent on prisoners' food supply and finally, there was a relocation of old and outdated prisons from city centres to rural areas.

Shortage of Staff

In the fiscal year 1996, the Department employed 9,717 correctional staff of all ranks and types. During the previous 10 years, the number of correctional officer has slightly increased when compared to the growth of the prison population. From 1986 to 1995 there was only a 1 per cent increase in staff numbers. Only 13.7 per cent of staff possessed a bachelor degree or higher. The Department is short of specialist staff to carry out its rehabilitation function. Most of the staff were custodial officers whose duty was to carry out daily routine prison operations.

High Staff and Prisoner Ratio

A high staff and prisoner ratio is another problem that needs to be addressed. Thailand seems to have the highest staff to prisoner ratio among countries in Asia and the Pacific. The staff to prisoner ratio in Thailand are as high as 1 to 14. Thai prisons solve the understaffing problem by using the "Trusty" system. The prisoner trusty system whereby certain inmates are selected to perform custodial work is prevalent in most of the Thai prisons. "Trusty" inmates are entitled to more privileges than ordinary inmates. For decades, the trusty system seems to have run well in Thai prisons when considering the issues of maintaining peace and order. However, the trusty system also creates problems. Mostly the problems concern abuses of power and corruption. The reason is that trusty prisoners are not motivated to help the staff but try to control other prisoners to protect their own status, their marketable influence with key prison officials and their control over the prison economy and rackets.

Furthermore, the problem of high staff-prisoner ratio has an impact on other department functions as well. These problems can be seen in terms of stratification, prison social control, abuse of power and corruption. The reasons are that most prisons do not have ample staff to supervise prisoners and to carry out its activities. Thus, security is the most immediate concern among correctional officers. In the absence of sufficient treatment staff, policies concentrate on escape prevention and prison industries are, therefore, the first two priorities.

Poor Living Conditions

Poor living conditions for prisoners is another critical problem for the Thai correctional system. Amenities, privacy and space standards are among the issues to be highlighted. Annually prisoners are required to be provided with two sets of prison uniforms, towel, mat and blanket (Item No. 70 of Ministerial Regulations under The Penitentiary Act B.E. 2479 (1936). However, due to budget insufficiency, overcrowding and the unexpected intake of prisoners, the Department was unable to provide these to all prisoners. For example, in 1993 the Department received 8,250 sets of prison uniforms for nearly 95,000 prisoners. Thus, most prisons allowed prisoners to use their own clothes, necessary items or have these amenities provided by relatives, which can result in social stratification among prisoners in Thai prisons. As for privacy, due to a limited space in each dormitory and prison yard, prisoners seem to have less privacy and personalised space for their own use. Most of the time they have to share living space and educational and recreational facilities with many other prisoners.

In relation to space standards, three physical aspects should be noted: occupancy, the number of prisoners per confinement unit; freedom of movement, the number of hours per day that prisoners are confined to quarters and density, the number of square feet of living space per inmates. In Thai prisons, prisoners are not isolated but live and work together. Accordingly, prisoners are mostly detained in large dormitories, with the exception of those detained in solitary confinement. The typical unit of confinement is around 280 square meters, with design capacity of 60-80 prisoners. Although, there is a designated capacity for each unit of confinement, most of these dormitories are filled up. In some prisons, there were around 150-180 prisoners being detained in one of these units. The reason is that there is no barricade to prevent overcrowding in each unit, unlike the single cell system where there is a limit in space for each cell. As for the freedom of movement, prisoners in Thailand are detained 14 hours in these types of units of confinement each day. With the overcrowding problems, such long hours of detention could affect the prisoners adversely. In terms of density, the Department of Corrections had tried to specify living space for each prisoner by stipulating that each prisoner should be able to occupy at least 2 square meters in the confinement unit, but with the overcrowding situation such specifications

have little success.

Outdated Prison Design

Outdated prison design is one of the major problems in the Thai correctional system. Prison design and environment were presumed to be important components in influencing behaviour. Changing and modifying prison design could be a way to reform prison conditions so as to create effective and efficient prisons. Since Thailand has never been influenced by any Western country, there has been no overriding European prison design model for the Thai prison system. Two basic types of prison system: the Pennsylvania system, which emphasised solitary confinement, work in solitude and personal penance; and the Auburn system, which pursued the same three goals except that work was performed by groups of prisoners had no influence on Thai prison design. Contemporary prison designs, like telephone pole design, courtyard design, radial design and campus design have never been discussed among correctional authorities. Despite the change in penal philosophy in 1936 whereby rehabilitation and reintegration are priorities, the Thai prison design was inward looking, and did not correspond to any particular treatment model. The facilities for food services, religious facilities, special protection and recreation facilities are sometimes inefficient and not suitable for prison programs. The dormitory system whereby more than 100 prisoners live together has never been reviewed. The shape of prisons in Thailand is still linked to its punitive and retributive functions.

Lack of Standards

The standards under which the prisons operate are considered to be important in operating prisons. In the Thai correctional system various types of standards have yet to be documented. There were no specific guidelines in both service and amenities for prison officials to be used when dealing with prisoners. These include space, food, recreation, treatment programs, visitation and so on. Most prisons operate under the governor's ability to maintain and utilise existing resources and materials. Therefore, there are differences in terms of treatment and facilities to be found among Thai prisons. Moreover, the lack of standards lead to staff corruption and abuse of power in many prisons. In 1992, there were 431 disciplinary charges laid against prison staff.

Classification

The classification system is an integral part of the correctional services. It helps to segregate prisoners into different institutions and to assign individual prisoners to different programs according to their needs within the institutions or within the system. In the Thai correctional system, despite adopting the principle of individual treatment, methods of prisoner classification have not yet been implemented. This is because of the shortage of staff, the structure of prisons and overcrowding. The Department merely segregates specific types of prisoners like the young, women, narcotic offenders and offenders who are about to be released to be detained in special correctional institutions set up for each particular purpose. In 1991, the Department set up a classification committee in every prison and correctional institution to implement the classification system. However, classification is determined by purpose, for example; by security, by personality attributes, by need, and no classification system suits all purposes. In Thailand, a classification system that best fits the Thai system is yet to be established and well understood throughout the system. In addition, prison design and programs available in most prisons do not correspond to the classification purpose.

Quality of Food Services

Quality of food services is another problem to be highlighted. According to the regulations, prisoners are to be provided with at least two meals a day, and each meal should consist of rice and side dishes. All food provided must be examined by either a physician or a prison officer before serving prisoners. Staff and prisoners assigned to prepare food in prisons must have a physical check up. Prisoners in the good class and above, or those who engage in hard labor may receive extra food as specified by the governor or have their own food (Article No.75-78). However, prison food in Thailand has been criticised in terms of quality and such criticism is not groundless. There are many reasons for the low quality of food services, for example: the food budget is set as low as 29 Baht per head per day, which can only provide poor quality food; corruption among staff who supervise food preparation who give preferential treatment to some groups of prisoners; theft of food, and so on. To alleviate this problem, most prisons in Thailand set up a canteen for prisoners to buy food and amenities at their own cost or allow visitors to bring in some food and amenities. Despite limiting the amount to be spent or the amount of food brought in, this privilege has created a sub-rosa economic system within Thai prisons whereby prisoners illegally sell food and amenities after hours, and this has created social stratification among rich and poor prisoners.

Inadequate Rehabilitation Programs

Inadequate rehabilitation programs is the last problem to be addressed. Although, the Thai Department of Corrections proclaims rehabilitation as a goal, the staff pattern does not support this. The majority of Thai prison staff are custodial staff whose level falls between 1 to 4 according to the rank classification (Details shown in Chapter Three). Because the duties of custodial staff are to maintain peace and order within prisons, coupled with their punitive attitude, most prisons are unable to provide rehabilitation programs that aim to reintegrate prisoners into society more effectively. In 1995, there were only 25 vocational training and adult education programs provided to prisoners, with only 16,645 prisoners involved. Most of the Thai prisons prevent prisoners' idleness by utilising prison industry. The prison administration is directly involved in production and sells the finished product to the public. This seems to run well for Thailand. Each year the Department is able to sell prison products directly to the public generating an income of 150 million Baht. However, the criticism of a highly industry-oriented Thai prisons system is that it could lead to corruption and the exploitation of prison labour.

Conclusion

Responses to these many problems requires innovative planning and action at all levels of government. Numerous measures that divert offenders from prisons in both pre-sentencing and post-sentencing are recognised to be the effective solutions. It may take years to convince the public and all authorities concerned to respond favourably to the needs of corrections or fully utilise all measures that help solve such problems. Until that development take place, prisons will continue to receive more prisoners and become more overcrowded.

Corrections in Thailand has never been a priority. On the other hand, the crime rate continue to increase and so does the prison population. The correctional facilities are overcrowded, the living conditions are poor, occupational vocational and educational opportunities are insufficient. Consequently, the country's correctional problems and policies, in all their dimensions, should be re-examined.

