



Ministry of Justice's Declaration

Subject: Department of Probation's National Standards

The Constitution of the Kingdom of Thailand B.E. 2540 (1997) emphasizes the protection of the rights and liberty of the people; the promotion of public participation in policy formulation, political decision making and economic, social, and political development planning; as well as the checking of governmental power application at all levels. The application of governmental power must take into consideration human dignity as well as the rights and liberty of individuals. Government officials/employees therefore have an obligation to carry out their duties in accordance with the rule of law to protect public interest as well as to facilitate and provide services to the people. This means that the justice system be managed efficiently and justice be administered fairly and quickly.

In order that management and practice related to offenders and victims as well as coordination with the community network under the responsibility of the Department of Probation be efficient, effective, well recognized by the general public and concerned parties, as well as consistent with the United Nations Standard Minimum Rules for Non-custodial Measures, the Ministry of Justice hereby declares the Department of Probation's National Standards to be used as a managerial and practical framework for conducting its business. The details of the National Standards are as attached.

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(Pongthep Thepkanchana)

Minister of Justice

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Department of Probation's National Standards

A. General Principles

1. Introduction

The Department of Probation has always recognized the importance of the development of the treatment system of offenders in the community under its responsibility to be efficient, effective, and well recognized by the general public and concerned parties. To achieve these aims we need clear, transparent, and accountable managerial and practical principles and guidelines. The Constitution of the Kingdom of Thailand B.E. 2540 (1997) emphasizes the protection of the rights and liberty of the people; the promotion of public participation in policy formulation, political decision making and economic, social, and political development planning; as well as the checking of governmental power application at all levels. The application of governmental power must take into consideration human dignity and the rights and liberty of individuals. Thus, government officials/employees have an obligation to carry out their duties in accordance with the rule of law to protect public interest as well as to facilitate and provide services to the people. This implies that the justice system must be managed efficiently and justice be administered fairly and quickly. Human rights must always be considered along with the justice system since the rights of many parties are involved and could be adversely affected, especially regarding criminal case litigants whether as offenders or victims. In addition, the United Nations has declared the United Nations Standard Minimum Rules for Non-custodial Measures: The Tokyo Rules since B.E. 2533 (1990) and has requested member states to apply these standard minimum rules in their policies and practices related to the criminal justice system and also to involve all concerned parties such as judges, prosecutors, probation officers, lawyers, victims, offenders, social workers,



and the general public in the application of the non-custodial measures.

The Department of Probation's National Standards were developed to be used as a framework of management, practice, as well as treatment towards all groups of offenders (both adult and juvenile) under the responsibility of Department of Probation. These offenders are persons in the trial stage for whom the judge has ordered the pre-sentence report, probation, or community service in lieu of paying a fine as well as sentenced prisoners that the parole and probation board has considered suitable to be released under the authorization of the Director-General of the Correction Department. Moreover, they also include confirmed drug users that have been ordered into a mandatory drug rehabilitation program and have been assisted after their release from the rehabilitation program. The development of the National Standards took into consideration the United Nations Standard Minimum Rules for Non-custodial Measures: The Tokyo Rules, Standard Minimum Rules for the Treatment of Prisoners (some rules deal with the treatment of prisoners during trial and those arrested or detained before prosecution), and Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (comparable to the detention of persons to be drug tested). In addition, we also took into consideration the United Nations Standard Minimum Rules for the Administration of Juvenile Justice: The Beijing Rules, other instructions or principles related to the treatment of offenders and including human rights.

In the process of developing the National Standards, the Department of Probation conducted a research on the development of probation practice standards by comparing Thailand's probation practices with the United Nations Standard Minimum Rules for Non-custodial Measures: The Tokyo Rules. Moreover, we studied the differences of practice between probation agencies with high caseloads and those with low caseloads. After that we established a working

group to tackle the development of the National Standards and to develop practice along the organization's primary mission so that those standards are in line with Thailand's social, economic, political, administrative, and cultural conditions as well as the United Nations Standards. This was so that our probation practice is acceptable internationally.

2. Scope

The scope of the national standards:

- Establish principles for administration/management, policy formulation, planning, research and evaluation, and personnel ministration/management which are fundamental for efficient and effective functioning of the organization.
- Establish guidelines sanctioned by laws and regulations that are also in line with Thailand's political, social, economic, cultural, and criminal justice policy conditions. Take into consideration efficiency and balance between the rights of individual offenders and the rights of the victims as well as public safety from crime.
- Establish ways to promote community involvement in measures towards offenders in the community including ways of coordinating with concerned agencies both internal and external to the criminal justice system.
- Establish principles of functioning with targets, criteria, and procedures which can be disseminated to concerned parties and the general public so that they are aware of the measures towards offenders in the community. These measures must be transparent and accountable.



- Function by adhering strictly to standards, except in an exceptional case. Practices that deviated from standards must be clearly reasonable and must be approved by the head officer in charge of the probation office or by a high level officer of the Department of Probation.

3. Basic Principles

Probation officers and related personnel must treat offenders in the community by taking into account human rights, human dignity, rights, liberty and individual differences of all those concerned. These include offenders, witnesses, the offended or victims. There must be no selective treatment. Moreover, the services must be timely, willing and fair. However, concerns for public safety and crime prevention must be taken into consideration.

Work related data must be kept confidential. Dissemination of data must abide by the Department of Probation's rules and regulations according to Official Information Act B.E. 2540.

All practices must be transparent and accountable. Probation officers must act honestly and be accountable to results and society.

4. Relevant Laws

- Constitution of the Kingdom of Thailand B.E.2540 Section 4, 29, 30, 31, 34, 35 and 36
- Penal Code Section 30/1 –30/3, 56 – 58, 74 – 75
- Proceedings of Probation under the Penal Code Act, B.E.2522
- Act on Establishment of Juvenile and Family Court and Juvenile and Family Court Procedure, B.E.2534 Section 43 – 44, 99 – 102, 104 –

107, 126 – 130

- Act on Establishment of Juvenile and Family Court and Juvenile and Family Court Procedure (Second Issue), B.E.2543 Section 3 , 8
- Corrections Act B.E.2479 Section 32(5) – (8)
- The Narcotics Addict Rehabilitation Act, B.E.2545
- Official Information Act, B.E.2540
- Ministry of Interior's Ministerial Regulation under the Corrections Act B.E.2479 article 46, 91-98
- Ministry of Justice's Ministerial Regulation on characteristics, types, kinds and quantity of drugs B.E.2546
- Ministry of Justice's Ministerial Regulation on qualifications of experts in drug rehabilitation sub-committee B.E.2546
- Ministry of Justice's Ministerial Regulation on compensation for sub-committee members who are not drug rehabilitation center officials B.E.2546
- Ministry of Justice's Ministerial Regulation on appeal criteria and submission and appeal proceedings B.E.2546

5. Policy, Planning, Research, and Evaluation

5.1 Policy formulation and planning regarding the treatment of offenders in the community should emphasize the involvement of community, agencies and personnel at all levels including external organizations both governmental and private. Moreover, policy formulation and planning should be based on research findings so that the treatment of offenders in the community is the most efficient and effective.



5.2 Promote and support the use of probation on offenders rather than custody as one of the main criminal justice policies of Thailand by cooperating with other agencies responsible for formulating the criminal justice policy as well as through academic activities.

5.3 Conduct research on problems affecting clients, officials, community, and policy formulators as well as study research to improve the work system on the treatment of offenders in the community.

5.4 Study, analyze and develop information mechanism regarding the treatment of offenders in the community. This is to collect and analyze data as well as statistics to support the treatment of offenders.

5.5 Periodically follow up and evaluate the operations. Operating agencies at all levels must provide correct, complete and timely data.

5.6 Periodically review the outcome to assess the objectives and effectiveness of the treatment of offenders in the community.

6. Staff

Recruitment

6.1 Recruitment of staff for any positions in the Department of Probation must be consistent with criteria set by the Office of Civil Service Commission. There shall be no discrimination on the grounds of race, religion, sex, and political opinion. There are many methods of recruitment available so that the Department of Probation can recruit persons with suitable abilities, skills and personalities. This will result in diversity of personnel for probation practice.

6.2 Recruitment of all higher level positions shall be conducted according to clear specified qualifications attached to each position. Educational or specific competency criteria set by Civil Service Commission will be adhered to.

6.3 To secure and retain qualified professional staff, appropriate welfare and compensation commensurate with the nature of work shall be ensured and ample opportunities shall be provided for professional growth and career development.

Staff Training

6.4 To ensure adequate staff training in order to enhance productivity, staff shall be trained to attain required professional competency, morality, and ethics throughout his/her career.

6.5 To train staff effectively, there shall be a clear and certain staff development plan. Appropriate budget must also be allocated to the Department of Probation for this purpose.

B. Fact Findings

7. Pre-sentence Investigation of Adult Offenders

7.1 The purpose of pre-sentence investigation is to obtain information pertaining to the case about the offender as well as probation officer's opinion on the offender to be used by the sentencing court as part of the input of the sentencing process in order to come up with suitable measure(s) for an individual offender. This must take into consideration public safety and the tendency of the offender for self-improvement. In addition, probation officers must listen to and provide assistance to the victims according to the principle of restorative justice.



7.2 Pre-sentence investigation is a professional practice that must adhere to the procedures. Moreover, it should be implemented with systematic planning. All facts and information about the offender must be identifiable with regard to sources.

7.3 Probation officers must analyze and evaluate the offender according to the principles of classification of offenders before reporting the pre-sentence investigation. Pre-sentence investigation includes the offender's social data, facts pertaining to the case, and the probation officer's opinion.

7.4 Probation officers must report the pre-sentence investigation within the timeframe specified by law. If he/she cannot complete it on time, he/she must petition the court for an extension.

7.5 If the offender objects to the pre-sentence investigation report, the probation officer must show the involved evidence as part of the report and the offender has the right to bring in witnesses to reject the evidence.

7.6 The probation officer should consider providing assistance to the offender with regard to bail, food cost, transportation cost, and other kinds of assistance provided by the Department of Probation.

8. Investigation of Persons on Parole and Good-Time Allowance

8.1 The purpose of the investigation of persons on parole and good-time allowance is to obtain information and details of evidence of a sentenced prisoner before being released on parole as well as the suitability of the sentenced prisoner's sponsor. The probation officer must analyze information to find out whether the prisoner can be treated within the community and is safe for society.

He/she must then report the findings to the parole and good-time allowance committee for consideration before releasing the prisoners on probation. With regard to national standards please refer to VII as a reference.

8.2 The investigation must include the statements of the sponsor of the sentenced prisoner to be released, community leaders, neighbors, victims (if this is the case) and opposing litigant(if this is the case), including all related documents. This is to obtain all data pertaining to the sentenced prisoner necessary for analyzing the tendency for re-offending. The opinion of the probation officer will be reported in an investigation report for consideration of parole and probation or good-time allowance by the committee.

8.3 The probation office must produce an investigation report and related documents such as copies of identification card, sponsor's house registration, sponsor's house map, and the probation agency's map to prisons or correction institutes who request cooperation.

9. Drug Testing of a Person Suspected of Being a Drug Addict or a Drug User

9.1 The purpose of drug testing is to obtain information about a person under testing to be used by a Drug Rehabilitation Subcommittee to determine whether he/she is a drug user or drug addict and also to appropriately design a rehabilitation plan.

9.2 Drug testing must take into consideration the intent of the law in order to obtain accurate and sufficient data necessary for the Drug Rehabilitation Subcommittee to determine and prescribe a suitable rehabilitation plan. The family and community of the person under testing must have an opportunity to voice their opinion or participate in prescribing the rehabilitation plan.



9.3 After the gathering and collecting of physical, mental, and social data about a person under testing is completed, the evaluation of the person under testing should proceed according to the evaluation form provided.

9.4 Try to avoid detention of the person under testing except when it is necessary to do so in order to obtain data for testing, or if there are reasons or information to believe that a person under testing will escape, or to protect society. A person under testing has the right to appeal the order as is provided by law.

9.5 If it is necessary to detain the person under testing, it must be done with regard to grounds of human dignity, human rights, women's rights and juvenile rights. Moreover, he/she must be treated appropriately with regard to basic needs and hygiene including visits from family and medical treatment when becoming ill.

9.6 An officer authorized by the laws, the probation officer must submit an assessment report to the Drug Rehabilitation Subcommittee within the timeframe provided by law. The extension of submission must be appropriately reasonable and not infringe on the rights and liberty of a person under testing. If the Drug Rehabilitation Subcommittee has decided that a person under testing is a confirmed drug user or drug addict and he/she uses the right to appeal according to the law, the probation officer must prepare data and related documents for submission to the Drug Rehabilitation Subcommittee in considering the appeal when the subcommittee requests additional data.

C. Rehabilitation/Treatment Process

10. Supervision of Adult Offenders

10.1 The purpose of supervision is to assist a probationer to reintegrate himself/herself to society and to reduce re-offending.

10.2 Supervision begins after the court has sentenced and notified the sentence of probation in writing to the probation office.

10.3 Evidence recording and gathering must be complete and accurate so that there are primary data for study and analysis about the case.

10.4 The conditions or mandatory practices set for the probationer to follow must be notified to him/her in both a verbal and written notice so that he/she is informed and they are complied with.

10.5 Conditions could be modified or reduced or the probation may be terminated early before the specified date. Probation officers must determine this in accordance with the progress of probation outcome.

10.6 Probation officers must evaluate a probationer according to principles of classification which will determine the tendency or risk of re-offending and the status of need of a probationer. In order to prescribe an efficient probation plan the first evaluation should be completed quickly after the first meeting and primary data recording of a probationer.



10.7 If a probationer has a tendency to inflict self-harm or to harm others or has a tendency of re-offending, a strict supervision plan should be implemented by requiring a special report with a probation officer or reporting to the court in order to request additional conditions of probation and conducting more frequent visits.

10.8 If we find that a probationer has problems that may cause him/her to re-offend and may result in self-harm or harm to others, a probation officer is to redesign a treatment plan consistent with the problems and background of each probationer.

10.9 A probationer must be notified of the aims of the probation plan/guideline and should participate in designing any treatment plan which may be arranged by the probation office or related agencies.

10.10 Probation and treatment plans must be re-evaluated every 3 – 6 months in accordance with risks and problems faced by a probationer. Existed plans could be modified as necessary with the aims of promoting efficiency, reduction of offence, restitution, a sense of self-correction and reform, and to assist a probationer to reintegrate and to live in a society normally.

Basic assistance should be provided for a probationer in the following areas:

- 10.10.1 Advice to probationer and /or his/her family;
- 10.10.2 Education;
- 10.10.3 Job/career;
- 10.10.4 Medical assistance, both physical and mental;
- 10.10.5 Transportation assistance;
- 10.10.6 Food allowance;

10.10.7 Competency development by acquiring knowledge, attitudinal/behavioral modification

10.10.8 Community service

10.11 To control and supervise a probationer to observe conditions and probation plan/guideline, a probation officer must do the following:

10.11.1 If a probationer fails to report, a probation officer must issue a warning in writing or telephone the address of a probationer to request explanation and notify him/her to report urgently. The incident must be recorded in the case records.

Probationers shall be supervised and his/her criminal records shall also be examined in accordance with individual necessity subject to the principle of fact verification.

10.11.2 Probation officers or volunteer probation officers should visit a probationer periodically according to the scheduled plan.

10.11.3 Probation officers shall advise, warn and give opportunity to a probationer to improve themselves in case his violation is not intentional or the probationer appears to still have a sense of personal responsibility.

10.12 The results of the probation must be reported to the court in the following way:

10.12.1 Report the successful termination of probation after all the conditions are observed and satisfied or when a probation officer deems it appropriate to end probation before schedule due to good behavior or purposeful compliance with the probation conditions and plan.



10.12.2 Report breaching of probation conditions and re-offending as soon as the fact has been verified thoroughly. The report must be done before completing the probation period.

10.12.3 Report revocation of probation due to a probationer having behavioral changes that cannot comply with probation conditions such as death, being too sick to comply with probation conditions, being admitted as an internal patient at a hospital, being imprisoned for a new case, being abroad for a duration equal or longer than the probation period.

10.12.4 Report modification of probation conditions or additional probation conditions in accordance with the behavior of a probationer.

10.13 Modification or revocation of probation must be accompanied by evidence of facts in case records that are reasonable and clearly verifiable.

10.14 Adverse probation report. A probationer has the right to object to an adverse probation report and to bring in evidence or witnesses to testify against that adverse probation report. If there is an amendment of a sentence/order that is more adverse than the previous one, a probationer has the right to appeal the amended sentence/order.

10.15 Probation officers must arrange for the probationer to retribute to the victims as agreed and to provide assistance to the victims as necessary.

11. Supervision of Juvenile Offenders

11.1 The purpose of supervision is mainly as of section 10.

11.2 Supervision must be implemented to maximize benefits of protection and participation of juveniles.

11.3 Supervision must take into consideration the differences between a probationer that is juvenile and a probationer is adult. Juvenile cases must be assigned to a probation officer with suitable experience, knowledge and personality to handle the case.

11.4 Regarding the notification of probation conditions to a probationer that is juvenile, guardians of the juvenile offender must be informed and should participate in designing a rehabilitation plan for juvenile offender.

11.5 Probation officers should support family participation in rehabilitation activities.

11.6 Separation of a juvenile offender from his/her family or guardians including being kept in training institutes must be a last resort.

12. Supervision of Offenders on Parole and Good-Time Allowance

12.1 Goal and standard of procedures mainly follow section 10.

12.2 The concerned prison or penal institution must issue a letter notifying release on probation and send to the probation office along with another letter showing a release of the prisoners which the "Parole and Good-Time-Allowance Committee" has reviewed and the Correction Department has approved.



12.3 The probation officer must explain clearly the conditions during the probation period as specified in the release letter to the probationers. The officer should specify and inform the offenders of a date on which they have to come in to report themselves. A copy of the specified date should be kept on file.

12.4 Probationers standardly have to report once a month or until the sentences are finished. If the probation officer has assessed from the fact of the first four months through monthly probation reports that he/she feels that their behaviors are getting better, then the probation officer can propose his/her opinion to relax the probation's conditions to the director of the probation office for an endorsement.

12.5 Establish a rehabilitation plan and look after the probationers to ensure that they follow the probation guideline stated in section 10.10.

12.6 The probation officer must supervise the probationers very closely at the beginning of the probation period in order to help the probationers to adjust themselves to their families and environment and also to prevent the probationers from causing any troubles to others and society.

12.7 Whatever the probation result will be, it must be reported to all of the concerned government agencies as follows:

12.7.1 Report of probation termination shall be submitted to prison and other penal institutions located in the same area as the probation office.

12.7.2 Report of breaching probation conditions and new arrest must be done as soon as possible after an investigation and all supporting

documents are collected. The report must be sent to three criminal justice agencies as follows: Bureau of Penal Administration, prison/penal institution, and police station in the probation area or where the probationer was arrested.

12.8 The probation officers need to coordinate with the prison and police station to arrest offenders who intentionally violate the probation conditions.

13. Drug Rehabilitation of Drug Addicts

13.1 The purpose of the drug rehabilitation approved by the Drug Rehabilitation Subcommittee is to diagnose a person who is drug addicted and establish an appropriate treatment plan. The offender is also to receive treatment on both physical and mental health in order to return back to normal conditions and so that there is not any risk to become drug addicted again.

13.2 Drug rehabilitation must be done within the period as specified by the Drug Rehabilitation Subcommittee according to the laws. A treatment plan is made under the supervision and coordination of the probation officer by using the methods which the Drug Rehabilitation Subcommittee has specified, such as intensive custodial measures, non-intensive custodial measures and non-custodial measures with the supervision of the probation officer.

13.3 Drug Rehabilitation is to mitigate drug use and to improve the physical and mental health of the drug rehabilitated persons by taking into account their needs and bringing their family and community to help the drug rehabilitated persons to be able to live in society. Cooperation among all concerned parties of the society is important to change social attitudes toward drug rehabilitated persons.

13.4 Drug Rehabilitation must be done by professionals or those who have experiences which are useful to rehabilitated persons. Treatment shall be done on the same standard, equal opportunity basis and under the principle that the drug addict is a patient not a criminal.

13.5 After the Drug Rehabilitation Subcommittee identifies that the rehabilitated persons have passed the rehabilitation process with a satisfactory result, there must be a follow-up to help and support these rehabilitated persons for at least one year so that they will not go back to drugs and recommit a crime related to drugs.

D. Community Services Order

14. Community Services Order as a Condition of Probation

14.1 If a court order is issued specifying that the offender do community service, the probation officer must assign an appropriate type of work and time period to the probationer and also a probation time frame that do not conflict with the probationer's religion and culture.

14.2 The purpose of the community service is to rehabilitate the probationers and to provide restitution to the victim and society. This measure is integrated under each probation condition.

14.3 Probationers must consent before they are assigned to do community service and the nature of the work must be clear.

14.4 The probationers are assigned to do community service work in non-profit agencies which are not influenced by politics or seek benefit from

political arenas. The nature of the work must be suitable for the probationers and must not cause the employers of the agencies to lose their jobs or earnings.

14.5 Probation officers must provide initial orientation to the probationers on the purpose of the community service, nature of the work, and criteria which the courts have specified.

14.6 Probation officers shall identify a community service plan for the probationers to do community service work, starting from acknowledgement of the conditions to completing the work before the probation period ends.

14.7 Probation officers must follow up the results of the community service work done by the probationers so that the result can be reported to the court as per item 10.12.

15. Community Service in Lieu of Paying a Fine

15.1 The purpose of community services in lieu of paying a fine is to allow offenders who can't pay the fine to request the court to do community service in lieu of paying a fine. This is done by strictly following a time frame and the nature of the work as per the court order.

15.2 Probation officers must clearly explain the nature of doing a community service in lieu of paying fine to the offenders, to counterpart agencies providing community service placement, and to the community.

15.3 Agencies selected for participation in the community service in lieu of paying a fine should follow item 14.4.



15.4 To follow up and assess the community services in lieu of paying a fine, probation officers must do the assessment consistently. If the counterpart agencies do not report the result then the probation officer must follow up promptly.

15.5 Probation officers must report to the court if the offender asks to stop community service in lieu of paying a fine to the probation officer, or the behavior of the offender is changing or does not follow the court order, or the offender has completed the community service work. Aftercare services for ex-offenders and probationers

E. Aftercare services for ex-offenders and probationers

16. Aftercare services for ex-offenders and probationers

16.1 The offenders should receive assistance and aftercare services during the probation period as specified by the Department of Probation. Aid should be provided after a release from prison as per the court order or after completion of the probation period or successful termination of the drug treatment plan.

16.2 Assistance and aftercare services must be on an equal basis regardless of gender, nationality, religion or any other differences and should be beneficial to the offender's rehabilitation and their adjustment back to society.

16.3 Probation officers must provide assistance and aftercare services soon as they can, according to the guidelines. If a probation officer cannot do this for whatever reason, then they must record that reason as evidence.

16.4 Referral of the offenders to other government agencies which are responsible for providing assistance and aftercare services should be a process that happens after guideline section

16.5 Assessment of the assistance and aftercare services should be done periodically

16.6 Example of assistance and aftercare services:

16.6.1 To encourage employment

16.6.2 To enhance technical skills

16.6.3 To enhance education

16.6.4 To encourage a professional career / loan

16.6.5 To support proper healthcare

16.6.6 To provide support for meal and transportation

16.6.7 To provide advice

16.6.8 Any other supports which will benefit probationers to adjust themselves to society.

F. Volunteer Probation Officers and Community Participation

17. Volunteer Probation Officers

17.1 The purpose of volunteer probation work is to make the public be aware and participate in the rehabilitation and support of the local offenders and also to help create peace and order in the community. Volunteer probation officers have their roles and responsibilities set according to the Ministry of Justice scheme.



17.2 Recruitment of volunteer probation officers must be from people who are willing to solve society problems and ready to dedicate themselves and their time for the benefit of society without salary or benefit as well as willing to help out with all types of work to the best of their knowledge. The qualification of volunteer probation officers is according to the Ministry of Justice scheme.

17.3 Volunteer probation officers must receive appropriate professional training and practical experience, including regular assessment of their work performance.

17.4 Volunteer probation officers shall be encouraged to work as an organizational unit. They should encourage a community to accept and give another chance to offenders to return to the community and to their family. Also, they should bring in members of the community to rehabilitate the offenders.

17.5 Volunteer probation officers shall be protected and praised on their work, including publicizing to society their dedication to become volunteer probation officers for the well-being of the society.

18. Community and its Participation

18.1 The community, civil society, government and private sectors, as partners of the Department of Probation should be collaboratively encouraged to combat crimes, to rehabilitate offenders and to prevent crimes.

18.2 The community should be encouraged to have the authority to manage justice according to "Community Justice".

18.3 Conferences, seminars and other activities should be promoted and encouraged continuously and consistently for participation of communities and civil societies in the probation and rehabilitation of offenders in the community. In order to cultivate peace in a community, they shall prevent and solve problems on crime.

18.4 A database of community networks and volunteer consortiums for coordination and participation in order to rehabilitate the offenders and prevent crime in the community should be established.

19. Restorative Justice in Probation

19.1 Restorative Justice is an alternative to the justice system, which gives importance to the relief of a disaster as a result of wrong doing, by concentrating on compensation to the victims and by creating an awareness and responsibility on the part of the offenders of their act. It gives an opportunity for the victims, offenders, relatives, concerned parties and representatives of a community to meet and discuss to achieve a solution to the problem by having a probation officer as a coordinator.

19.2 Meeting to achieve the objective, restorative justice should be systematic and consist of appropriate parties by considering all the opportunities to achieve a compromise e.g. medical and relief support, apology, responsibility regarding actions, community service work or any other means. This is to ensure that both victims and offenders can return to society and live happily.

19.3 Restorative Justice can be used at every process of the probation including investigation and supervision, only if the victims and offenders agree to the justice process.



19.4 Restorative Justice can only be used if the litigants in a lawsuit, both victims and offenders, agreed willingly and freely. Both victims and offenders can at any time stop this justice process.

19.5 Appropriate agreement must come from the litigants in a lawsuit, both victims and offenders. Before an agreement is made, the probation officer must inform both victims and offenders of all their rights, processes and consequences of their decision.

19.6 The probation officer who will be the mediator for this restorative justice should be trained especially on this subject.

G. Coordination and Cooperation

20. Criminal Justice Agencies and other Public Agencies

20.1 The Department of Probation must have standard guidelines, policies, planning and evaluation processes for the treatment of offenders in the community which are in line with criminal justice agencies, other concerned agencies, and community and society.

20.2 Coordination and cooperation between the Department of Probation, criminal justice agencies, and related agencies, the community and other agencies shall be established in order to rehabilitate offenders in society.

20.3 There should be the establishment of a database and sharable information between the Department of Probation, criminal justice agencies and other concerned sectors in order to increase efficiency in rehabilitating offenders in the community.

20.4 There should be coordination effort to improve and share human and other resources between criminal justice agencies, other concerned sectors and society.

21. International Cooperation

21.1 An international cooperation for research, training, technical assistance and sharing of international information for use in the rehabilitation of offenders in the community and the improvement of the justice system shall be supported and encouraged.

21.2 There shall be a research study to expand the guidelines for non-custodial measures at an international level.

Appendices

22. Definition

Rehabilitation of Offenders in the Community is the use of alternative measures of punishment instead of imprisonment so that the offenders can improve themselves or perform a community service while living with their families and able to live a normal life. These measures are probation, drug rehabilitation and community services in lieu of paying a fine.

Offenders who are under the supervision of the probation officers are:

Adult Offenders are those who are over 18 years of age, waiting to be sentenced or deferring prison sentences and with a condition to be on probation as per Criminal Code – Section 56.

Juvenile Offenders are those whom the court has recommended should be on probation following the Juvenile and Family Courts and Juvenile and Family Legal Process Act B.E. 2534 or Criminal Code – Section 74, 75.

Inmates on Parole and Good-Time-Allowance are those on whom the court has imposed imprisonment and who have already served their period of imprisonment as specified by the Penitentiary Act B.E. 2479 – Section 32. They are people who are, under the condition of a parole and good-time-allowance, on release to the community prior to completion of the original sentence period, or who have a reduced period of incarceration.

Offenders in Community Service Work in Lieu of Paying a Fine are those who have been fined by the court but do not have enough money to

pay and have requested to do community service or charity. Compensation is at 200 baht a day to pay for the fine.

Persons in Rehabilitation are those who are in the drug rehabilitation program as per the Drug Rehabilitation Act B.E. 2545.

Supervision or Probation has two meanings:

1. Legal Aspect: The probation officer who is authorized by law must look after and make certain that the probationers do not breach the conditions or commit a new crime. The 20 probationers must report themselves to the probation officers within the period and conditions as specified. If the probationers breach the conditions or commit a new crime then they will be charged according to the law. The court may assign a sentence or bring over the deferred sentence to be served. For a parole or good time allowance, the prison officers or police officers must make an arrest and send offenders back to prison to serve the remaining sentences.

2. Social Psychological Aspect: This is the rehabilitation of offenders who are not criminals by nature in order to change their behavior to be in line with social norms. Probation officers will supervise and help them by relying on principles of psychology and social work as a guideline.

Community Service is a condition or guideline for the offenders to work for a community or charity without receiving benefits or unpaid work during the assigned period.

Drug Rehabilitation of Drugs Addicts is a way to rehabilitate both the physical and mental health of the drug addicted. It also includes a cure for the drug addicted to return to normality and not be in danger of becoming addicted again.



Intensive Custodial Drug Rehabilitation is the rehabilitation of the drug addicted in the drug treatment plan. The location of this drug rehabilitation must be controlled and the drug addict must be prevented from escape.

Non-intensive Custodial Drug Rehabilitation is the rehabilitation of the drug addicted in the drug treatment plan within a suitable rehabilitation location. The drug addict who is rehabilitating must be confined in an appropriate rehabilitation center. The drug addict is to be confined in an assigned location during the drug rehabilitation process.

Non-Custodial Drug Rehabilitation is the rehabilitation of the drug addicted in a drug treatment plan in which the drug addict who is being rehabilitated does not have to be in custody but there may be other conditions which the drug addict has to follow under supervision of the probation officer.

Rehabilitated Relationship is the process where by victims, offenders, and/or other people or community members who are affected from crime participate to resolve problems originating from crime.

Pre-Sentence investigation is an inquiry of the facts and background of the offenders before the court is in progress. Probation officers will proceedingly follow a court order and bring all the facts together to write up and submit a report to the court. Probation offices will offer opinions and suggestions as to how and what to do to the offenders so that the court can use this as a reference to judge which measure should be appropriate to the offenders.

Community Justice Process is a strategy to prevent and reduce crime by promoting and building the capacity of the community to work with the

government. This works as an alliance that is to work shoulder to shoulder with the government and has the same authority and responsibility to think and work together. The community is the main body; the government will financially support materials and resources which are required by the community. The community justice process is a proactive method for protecting, controlling, reducing and solving damages from crime and aims to improve and maintain safety, peace and better quality life.

Litigants in a Law Suit are victims, offenders, and other parties or community members who are affected by crime and may want to participate in restorative justice.

Subcommittee is a drug rehabilitation subcommittee of each region, which has been appointed by the drug rehabilitation committee. It consists of a representative from the Ministry of Justice as a chairman, a medical doctor, a Psychologist, a social worker, not more than two experts qualified by ministerial regulation, and a representative of the Department of Probation as a secretary.

Mediator is a probation officer whose duty is to coordinate both victims and offenders to join the restorative justice process.

Community Network is a group of people, or sectors who share common interests and common goals and reside in the same geographical areas and also outlying areas. There is co-ordination between each other's work plans at all levels by sharing and/or not sharing the same resources in order to meet the real needs of a community.

Community is a group of people or many groups of people who live in the same area with the same interests, activities and goals.



Civil Society is a group of people who have seen crises or social problems which are difficult to solve and share the same objective to create civic consciousness and come together to create a civic group / organization. Government agencies, private sectors, and the community get together as a partnership to solve the problems with love, harmony and generosity under the civic network.

Victims In the paradigm of Restorative Justice, every case has a victim although the Criminal Justice paradigm may consider a case to be without a victim or to be a victimless crime. In terms of the restorative justice paradigm, victims include both "Direct Victim" and "Indirect Victim". For example, for a drug case, if the community feels that the offender troubles them then that community is considered as a victim in this scenario.

The Satisfactory Result of Drug Rehabilitation is the assessment in which the drug addicted who have been rehabilitated pass the requirement / criteria of the drug rehabilitation assessment set by the subcommittee.

The Immediate Outcome of the Rehabilitated Relationship is an agreement as a result of the rehabilitated relationship process. For example, the immediate outcomes of the rehabilitated relationship are compensation, community service, any program or any activity which restitutes the victim and the community. Also, there is an adjustment between victim and offender to come to an understanding.

Parole is a release of prisoners to the community so that they can live outside the prison before their sentences are finished under a probation condition. It is used as a benefit to prisoners who behave well during their imprisonment. It is also for those who have already completed not less than one third of their

sentence or not less than ten years for a life-sentence.

Probation Officers are those who have been appointed by the Minister of Justice to become probation officers according to the Probation Procedures Act, in pursuant of Criminal Code B.E. 2522. Also, they are appointed as officers whose duty is to proceed the Drug Rehabilitation Act B.E. 2545.

Good-Time-Allowance is a reduction of the imprisonment term for well-behaved prisoners. It can be granted to prisoners who have already served a minimum of six months of the imprisonment term or at least ten years of a life-sentence in which the life-sentence has been changed to a term of imprisonment. Excellent prisoners will receive five days out of a month reduction, very good receive four days out of a month reduction and good receive three days out of a month reduction.

Medical Center is a government or private owned hospital or clinic which has been approved to perform drug rehabilitation. There is an establishment of a medical center according to the Drug Addiction Act B.E. 2522 , and the Ministry of Public Health issue 96, B.E. 2531 titled " Guideline to Establish a Medical Center for Drug Addiction B.E. 2522".

Drug Rehabilitation Center is a center for drug rehabilitation under the Department of Probation, Ministry of Justice. Also included are places according to Section 18 of the Drug Rehabilitation Act, B.E. 2545.

Multilateral/ Counterpart organization is an agency which participates in the drug rehabilitation process as followed the Drug Rehabilitation Act, B.E. 2545.



Associated Agency is an agency which the probation offices have asked for cooperation and which has agreed to specify places where offenders can provide help and support in both government and private sectors. If it is in a private sector then it must be a charity, and nonprofit organization.

Volunteer Probation Officers are people who are willing and who have been selected to attend training and are also appointed by the Ministry of Justice to be assistants to the probation officers. Their duties are to do all the work assigned by the Ministry of Justice. That is, they are authorized to do all work related to the procedures of the Ministry of Justice.



