

# Current Issues in Thai Criminal Justice

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## ■ Abstract

This paper provides an overview of recent crime trends and criminal justice issues in Thailand, based on crime reports between 2002 and 2011, Thai National Crime Victimization Surveys, and relevant statistics and resources from core criminal justice agencies. Through analysis and review of these reports, many interesting findings and trends concerning crime and criminal justice in Thailand were revealed, such as: a decrease in violent and property crime since 2006; a sharp rise in the number of drug offenses; a decrease in the number of offenses related to distribution of illegal obscene publications following decriminalization of adult media; a significant decrease in the number of arrested youth offenders after the new measures to protect youth from unlawful arrest or detention were applied; a high dark figure of crime; a higher rate of crime in urban areas; and a high number of remanded suspects awaiting trial. Taking these issues into consideration, this paper also provides recommendations for further improvement of criminal justice policies concerning crime prevention and the treatment of offenders.

**Keywords:** Thailand, Crime, Criminal Justice

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## ■ Introduction

Crime has become more complex and difficult to deal with in this rapidly changing world. To respond to this issue, the criminal justice system needs an adequate understanding of the situation of crime, and its impact on the justice system and the public. The Office of Justice Affairs, Ministry of Justice, Thailand, carried out a project to analyze criminal justice data collected within the last ten years in order to define the current crime situation, and identify important criminal justice issues in Thailand. The aim of this project was to set out appropriate policy frameworks for tackling crime and criminal justice problems, which would then be incorporated into the new National Criminal Justice Strategic Plan.

The development of this project involved an analysis of crime trends and criminal justice issues in Thailand based on crime reports between 2002 and 2011, Thai National Crime Victimization Surveys, and relevant statistics and resources from core criminal justice agencies, as well as various criminal justice studies. In our research, we outlined several significant changes in both the trends and geography of crime, and examined the actual status and situation of various systems and operations within the Thai criminal justice

system. Through analysis and review of these issues, many interesting findings and trends concerning crime and criminal justice in Thailand were revealed, such as changes in the number of arrested youth offenders, the tendencies of remanded suspects and prisoners, and the high workload of criminal justice officials in providing non-institutional treatment.

This paper provides an overview of the analysis, divided into three parts, as follows: (1) significant changes in crime in Thailand; (2) trends and issues in criminal justice and rehabilitation treatment; and (3) recommendations for further improvement of criminal justice policies concerning crime prevention and the treatment of offenders.

### Significant Changes in Crime in Thailand

#### *1) Decrease in violent crime and property crime*

Criminal records of the past ten years (2002 to 2011) from the Royal Thai Police reveal a significant decrease in violent crime and property crime. To elaborate on the statistical data, the Royal Thai Police official crime records contain crime statistics from reported cases for penal code offenses, which are divided into five categories as follows:

- Category 1: Felony Offenses including murder, homicide, robbery,

- kidnapping, and arson
- Category 2: Offense of Violence against the Person including murder/attempted murder, homicide, manslaughter, rape/sexual assault, and assault/wounding
  - Category 3: Property Crime including theft, snatch theft, robbery, black-mailing, stealing property, and vandalism
  - Category 4: Highly Interesting Offense including motorcycle theft, car theft, agricultural instrument theft, robbery in public transport, robbery against taxi drivers, fatal rape, fraud, and embezzlement

- Category 5: Victimless Crime including illegal firearms, gambling, drug, prostitution, and trade of obscene materials and pornography

Since 2006, the number of reported crime in category 2 (violence against the person) and category 3 (property crime) has continued to decrease every year. From 2006 to 2011, violence against the person decreased by 41.9% and property crime decreased by 33.9%. The largest share of the category 2 crime drop can be attributed to a sharp fall in assault/wounding, while a fall in theft contributed to the drop in category 3 (see Table 1 and Figure 1 below).

**Table 1.** Number of reported crime for violence against the person and property crime (2002-2011)

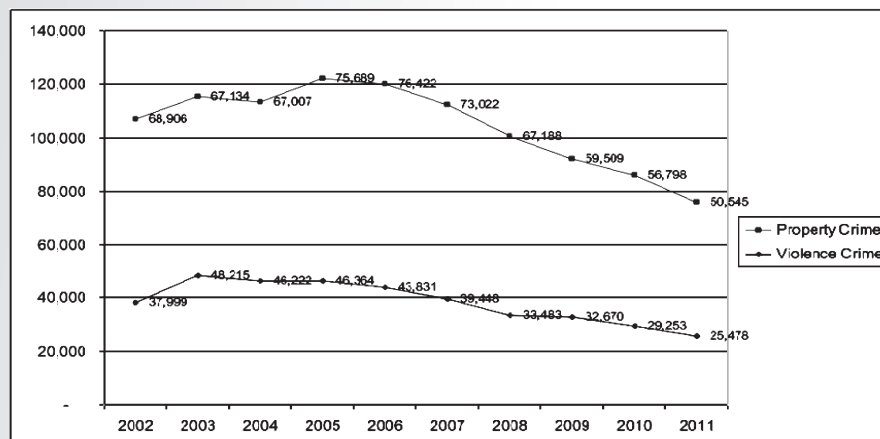
Type of Offense	Year									
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<b>1. Violent Crime</b>										
1.1 Murder/ Homicide	4,538	6,434	4,337	4,758	4,624	4,435	3,974	3,712	3,654	3,307
1.2 Fatal Assault	276	346	339	358	327	267	258	287	257	604
1.3 Manslaughter	246	268	265	247	290	222	241	194	169	236
1.4 Attempted Murder/ Homicide	5,092	7,190	6,903	7,146	7,100	6,710	5,564	5,439	4,852	4,460
1.5 Assault/ Wounding	23,412	29,166	29,350	28,765	26,267	22,662	18,802	18,358	16,066	13,100
1.6 Rape	4,435	4,811	5,028	5,090	5,223	5,152	4,644	4,680	4,255	3,771

Table 1. (con)

Type of Offense	Year									
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
<b>2. Property Crime</b>										
2.1 Thef	57,413	52,987	52,752	60,390	62,578	62,000	57,457	50,431	48,790	44,270
2.2 Snatch Theft	2,952	3,661	3,569	4,312	4,146	2,905	2,817	2,439	2,081	1,741
2.3 Blackmailing	12	13	15	51	17	23	17	14	14	11
2.4 Threatening money or individual property	286	341	305	317	240	205	251	222	198	189
2.5 Robbery	3,041	4,250	4,115	4,124	3,758	2,960	2,443	1,992	1,638	1,147
2.6 Stealing Property	298	298	263	330	371	244	207	165	203	153
2.7 Vandalism	4,904	5,584	5,988	6,165	5,312	4,685	3,996	4,246	3,874	3,034
2.8 Motorcycle Theft	19,499	18,950	16,382	16,669	19,702	19,853	20,039	21,039	19,455	12,775
2.9 Car Theft	3,270	2,747	3,048	2,888	2,828	2,976	2,712	3,043	2,605	1,720

Source: Criminal Statistics by the Royal Thai Police

Figure 1. Number of reported crime for violence against the person and property crime (2002-2011)



Source: Criminal Statistics by the Royal Thai Police

The Office of Justice Affairs, Thailand, carried out two national crime victimization surveys in 2007 and 2010. As seen in the Crime Victimization Surveys, the rate of crime for the two offenses of violence against the person and property crime is the same. The victimization statistics also show that the number of reported property crime and violent crime in 2010 decreased from the numbers in 2007 (see Table 2 below).

**Table 2. Crime Rate from the National Crime Victimization Surveys in 2007 and 2010**

Type of Offense	Year 2007 (2,002,048 Samples)			Year 2010 (2,516,197 Samples)		
	Number of Victims	Percentage	Crime Rate per 100,000 Persons	Number of Victims	Crime Rate	Crime Rate per 100,000 Persons
Property Crime	10,400	0.519	519	8,061	0.320	320
Violent Crime	510	0.025	25	519	0.021	21
Sexual Offense	33	0.002	2	20	0.001	1
Identity Theft	199	0.010	10	251	0.010	10
Total	11,142	0.566	556	8,851	0.350	350

Source: The National Crime Victimization Survey 2007, Office of Justice Affairs, Thailand<sup>1</sup>  
The National Crime Victimization Survey 2010, Office of Justice Affairs, Thailand<sup>2</sup>

However, the drop in violent crime and property crime from the criminal statistics and victimization surveys should be treated with caution. There are several contradictory claims that attempt to explain the phenomenon. First, it can be said that crime victimization data collection in Thailand is still in its beginning attempts, thus the two surveys might not be able to accurately identify crime trends. In addition, many justice practitioners have claimed that the drop in the crime statistics was manipulated through attempts to minimize criminal records to meet the crime prevention Key Performance Indicators (KPI) under the Public Sector Development Scheme. Moreover, it has been claimed that the huge reduction in the number of police in charge of arranging criminal cases led to

<sup>1</sup> Office of Justice Affairs, Thailand, *The Report on National Crime Victimization Survey 2007, Criminal Justice Study Paper, 2008.*

<sup>2</sup> Office of Justice Affairs, Thailand, *The Report on the National Crime Victimization Survey 2010, Criminal Justice Study Paper, 2011.*

an increase in unrecorded cases, and that, due to the ongoing transition from paper reports to fully computerized criminal records during the data collection period, there were a high number of cases that had not yet to be input into the database. Meanwhile, others claim that there are other factors which had more of an impact on the crime drop in Thailand, such as the decrease in the adolescent population in the Thai demographic structure. It is hypothesized that the decrease in the population size of the most at-risk group in committing crime played a role in the drop of the two aforementioned offenses. Other criminologists believe that the decline in such offenses is strongly linked to the sharp rise in the incarceration rate of drug offenders since 2003. It is claimed that, as a result of this dramatic increase in drug offender incarceration, the number of offenses related to drug addicts was greatly reduced because many potential offenders were already behind bars.

## *2) High dark figure and crime in the city*

In addition to documenting crime trends, the victimization surveys are also an attempt to provide an insight into the amount of unreported crime. Results of the crime victimization survey in 2007

showed that 65.2% of crimes remained unreported. It was explained in the surveys that these crimes were unreported because the victims regarded the crimes as too trivial, and lacked a confidence in the police and already took other actions in dealing with the cases instead of bringing the cases into the formal criminal justice system.<sup>3</sup>

The victimization data reveals that crime is much higher in the city than in rural areas. In comparing the samples in urban and rural areas, the survey showed that victims were more at-risk in urban areas. In fact, the crime rate in urban areas is double the crime rate in rural areas. The crime victimization survey in 2007 revealed that crime rate per capita in urban areas was 800 cases per 100,000 capita, whereas the rate in rural areas was only 400 cases per 100,000 capita.<sup>4</sup>

## *3) Sharp rise in the number of drug offenses*

As noted in the above violent and property crime section, the victimless crime statistics show that there has been a sharp rise in the number of drug offenses. The number of criminal cases for drug offenses hit a low of 69,990 cases per year in 2004 in the years following the Drug War Policy; however, the number of cases has increased since

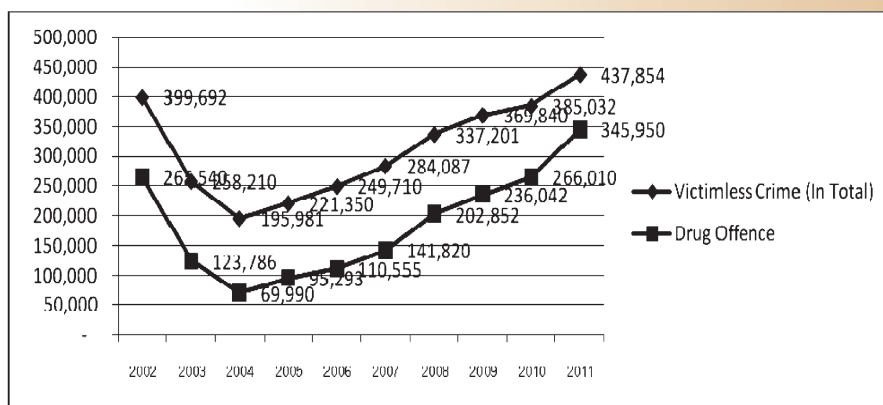
<sup>3</sup> *Supra*, n.1.

<sup>4</sup> *Ibid*.



then, and in 2011, the number of drug offenses increased fivefold from the 2004 figure to 345,950 cases, accounting for 78.6% of the entire victimless crime number (see Figure 2 below).

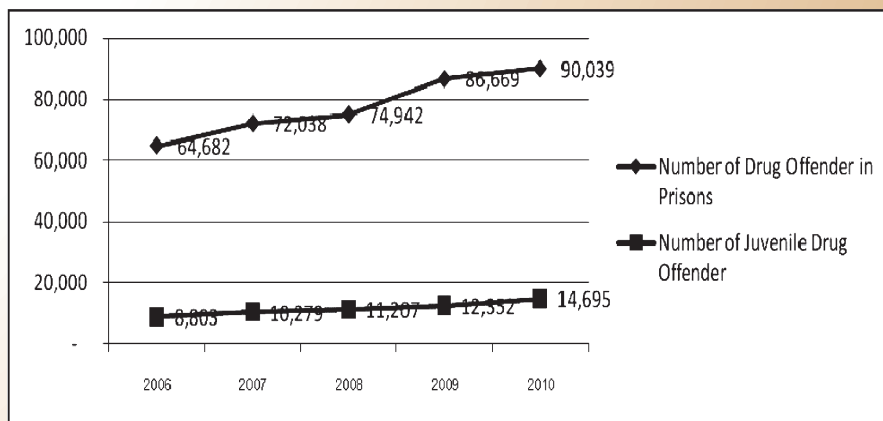
**Figure 2.** Number of drug offenses compared to total victimless crime (2002-2011)



Source: Criminal Statistics by the Royal Thai Police

The rise in drug offenses has directly contributed to the increasing number of drug offenders in the criminal justice system. There appears to be a considerable increase in the number of drug offenders both in prisons and in juvenile incarceration homes. As the number of drug offenders in the Thai criminal justice system has continued to increase sharply, this has raised considerable concerns about the workload and capacity of drug treatment facilities (see Figure 3 below).

**Figure 3.** Number of drug offenders in prisons and juvenile incarceration homes (2006-2010)



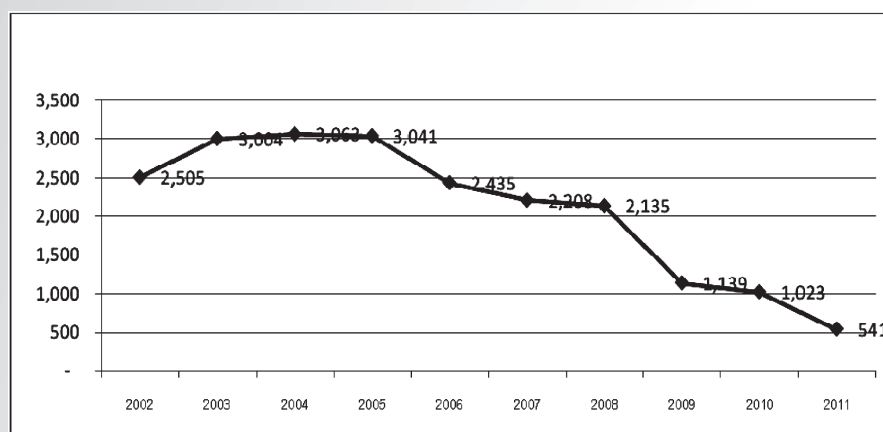
Source: Number of drug offenders in prison by the Prison Service Department  
 Number of drug offenders in the juvenile incarceration homes by the  
 Department of Juvenile Observation and Protection

#### 4) Decriminalization of obscene publications

There was a decrease in the number of offenses related to commercial use of illegal obscene publications and pornography between 2008 and 2011. Thailand used to have a strict law against selling all kinds of sexual material, which was characterized as offensive to the public sense of decency and youth care. This prohibition against the commercial use of sexual materials was in place until

a new film rating system was applied through the new Legal Obligations to Film and Media Act 2008. The new rating system allows movie theaters and the film industry to sell movies with sexual content to adult viewers. Following the aforementioned decriminalization of adult media in 2008, a sharp fall in the number of offenses related to distribution of sexual materials was observed (see Figure 4 below).

Figure 4. Arrests for commercial use of sexual material (2002-2011)



Source: Criminal Statistics by the Royal Thai Police

### ■ Trends and Issues in Criminal Justice and Rehabilitation Treatment

#### 1) Remanded suspects awaiting trial

The Thai Prison Service has been confronted with an ongoing problem of overcrowding in prisons, and a high

number of remanded suspects who are still awaiting trial. Pre-trial detention has greatly affected the prison service as remanded suspects are generally detained within prisons. Prison statistics show that approximately one-fourth of the total number of prison inmates is made up of remanded suspects (see Table 3 below).



The high number of remanded suspects has worsened prisoner population density, which has been rising steadily since 2003.

**Table 3.** Number of remanded suspects in comparison to the total number of prisoners in custody

Year	Number of Prisoners	Number of Remanded Suspects	Total People in Custody	Percent of remanded suspects in prison
2008	132,870	50,557	183,427	27.6%
2009	153,155	51,586	204,741	25.2%
2010	150,557	58,400	208,957	27.9%
2011	181,089	59,118	240,207	24.6%

Source: Number of custodial people in prisons by the Prison Service Department

The Thai Prison Service Department recognized the seriousness of the problem and carried out research in 2005 to estimate the length of time remanded suspects spend waiting for trial.<sup>5</sup> The study revealed that the poor are more likely to be detained in prison as 40.9% of the remanded suspects were detained because they did not have a sufficient property deposit guarantee on bail, while 39% remained in detention due to rejection of their bail request by the court. The remaining 28.1% of detained suspects did not want their provisional release because they had already made a confession. Notably,

2.5% of the detained suspects did not know about their bail rights.

Regarding the duration of the trial process, surprisingly, suspects for non-complicated cases like drug offenses were detained for the longest amount of time. The study showed that the average length of time remanded suspects of drug offenses spent in the trial process was 1 year, 7 months, and 14 days, which is much longer than the trial duration of other offenses (see Table 4 below). This is in contradiction to the principle that a suspect is innocent until proven guilty, as well as the United Nations Standard Minimum Rules for Non-custodial

<sup>5</sup> Prison Service Department, Thailand, *The Duration Remand Suspect Staying in Prison Awaiting for Trial. Research Paper, 2005.*

Measures.<sup>6</sup> In addition, many of the suspects in custody had financial problems –70% had remaining debt before being held in custody and 77.1% were responsible for their family's finances. Those remanded suspects are

not allowed to earn income during custody. Therefore, on top of worsening the overcrowding situation in prisons, the unreasonable detention of suspects can also be damaging to their family outside of prison.

**Table 4.** The average length of time remanded suspects spend awaiting trial by offense

Type of Offense	Samples		Average Duration
	Male	Female	
Drug Offense	2,055	1,652	1 year, 7 months, 14 days
Property Crime	2,159	63	5 months, 17 days
Violent Crime	340	70	1 year, 2 months, 28 days
Sexual Offense	226	3	11 months, 9 days
Others	291	25	5 months, 25 days
<b>Total</b>	<b>5,071</b>	<b>1,813</b>	<b>1 year, 2 months</b>

Source: Prison service study on the length of time remanded suspects stay in prison while awaiting trial

## 2) Drop in the number of arrested youth offenders

In 2011, new measures to protect youth from unlawful arrest or detention came into effect following amendment to the Youth Justice Law.<sup>7</sup> The principal aim of the new law is to prevent violence and unlawful abuse against youth in the arrest and detention process. Under the

law, youth who have been arrested require proper care and must be treated with appropriate, legal actions. The following measures to protect youth from abuse while being held in the criminal justice process were adopted: (1) detention of youth must be in a secure facility specifically for juveniles, which is strictly separate from adult detention facilities;

<sup>6</sup> United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), 2003.

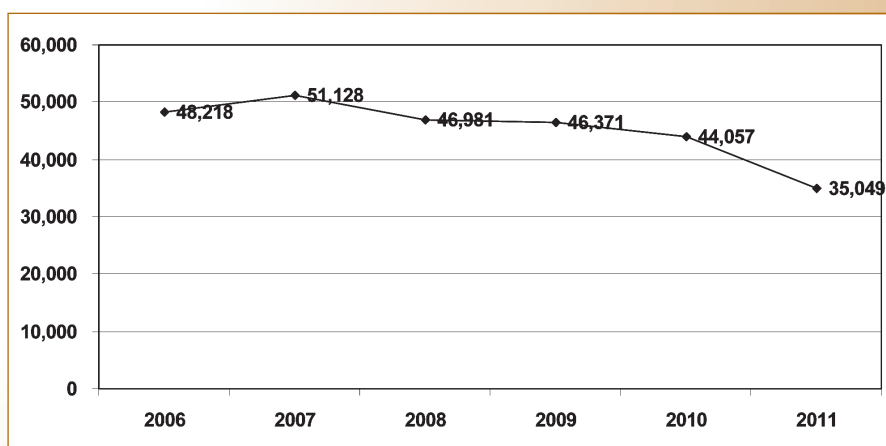
<sup>7</sup> The Youth and Family Court and the Youth Justice Act 2010.

(2) instruments characterized as offensive to youth (such as handcuffs, shackles, and fetters) are banned; (3) police and detention officers must ascertain the person who has assumed responsibility for the juvenile's welfare and inform them of the arrest; and (4) the youth must be immediately taken to the youth court within 24 hours after they are arrested. To ensure that appropriate actions against the youth are taken during arrest and detention, judges have the discretion to release the youth if misconduct in the arrest and detention process is found.

There has been a significant decrease in the number of juveniles in the youth

justice system after the new law fully came into effect on May 24<sup>th</sup>, 2011. Juvenile statistics show that the number of juveniles who were charged with criminal offenses in the Initial Care Home for Juvenile Offenders around Thailand decreased considerably by 20.5 % in 2011 (see Figure 5 below). It is claimed that the drop in the number of arrested youth offenders is because criminal justice practitioners, especially the police, lack confidence in taking legal actions against youth offenders. They find it difficult to prevent youth from escaping without proper instruments, and are afraid of the wide discretion judges possess to determine which actions are inappropriate.

**Figure 5. The number of juveniles charged with criminal offenses (2006-2011)**



Source: Juvenile Statistics by the Department of Juvenile Observation and Protection, Thailand

## ■ Conclusion

Through analysis and review of the current situation of crime and criminal justice in Thailand, many interesting findings and trends concerning crime and criminal justice were revealed, such as: a gradual decrease in violent and property crime since 2006; a high dark figure of crime; a higher rate of crime in city areas; a sharp rise in drug offenses; a decrease in the number of offense related to distribution of illegal obscene publications following decriminalization of adult media; a high number of remanded suspects awaiting trial; and a significant decrease in the number of arrested youth offenders after the new measures to protect youth from unlawful arrest or detention were applied.

In this paper, we elaborated on some significant changes in crime, based on the existing crime statistics. However, crime statistics alone may lend to misleading conclusions. Further work is needed to identify exactly which factors affected the drop in the number of property crime and violent crime, as accurately determining crime trends and their sources is integral to developing effective crime prevention policies.

The drop in obscene publication offenses is an example of the decriminalization policy at work in Thailand. That being

said, the abolition of a criminal penalty for the offense is still in its beginning stages. Although the work of justice practitioners related to this offense has decreased since the policy was applied, the social impacts of the policy are still unknown. Accordingly, further research on its social impacts is required and the issue needs to be brought to wider discussion.

Policy makers should immediately take the issue of increasing drug offenders into their consideration. There appears to be an excessive workload for all components of the criminal justice system dealing with drug offenders. In addition to preparing adequate facilities for drug treatment, alternative treatments for drug addicts should be considered instead of taking formal legal actions against drug offenders and pushing them into the incapable criminal justice system.

Thailand has a very high number of remanded suspects awaiting trial; however, more worrying is the reason why they are being detained. Justice policies should take more serious action in providing public welfare to accessing bail as too many of the detainees are poor. Appropriate measures to reduce remanded suspects should be taken into consideration, such as: faster trial for non-complicated cases or confessing

defendants; alternative detention measures whereby the detainee does not have to lose their career during pre-trial detention; promoting suspects' rights to receive bail; and providing relevant public welfare to remanded suspects.

While the new youth protection measures aim to protect youth from misconduct during arrest and detention, they may inadvertently disrupt the criminal justice process if practitioners lack confidence in conducting the arrests and detentions. However, since the new measures have just been applied, it may be too soon to conclude that the focus on youth protection leads to ineffective crime control. Therefore, further research to assess the implications of the implementation of youth protection measures should be carried out.

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