

Abstract

Duration of Criminal Proceedings in Thailand

This research had two purposes. The first was to explore the duration of criminal proceedings by inquiry officials (case officers), prosecutors, and judges using both qualitative and quantitative research methods. Qualitative methods, including focus-group discussions and interviews with 12 personnel involved in the justice process as mentioned – inquiry officials, prosecutors, and judges, were employed to validate the survey form. Furthermore, a quantitative method was used for surveying criminal cases from 12 police stations across the country; there were 438 criminal cases that could be used for the analysis. The second purpose of the study was to examine factors affecting the duration of criminal proceedings in each of the steps, by drawing opinions from 13 inquiry officials, prosecutors, and judges through focus-group discussions and interviews. The study results were validated by feedback from participants in a forum where the study results were presented. The participants were 81 personnel in the justice process – lawyers, *attorneys*, and academics. The research period was six months, from March to September 2013.

The study results showed that the types of cases classified by sentences¹ did not affect the duration of the proceedings. However, the characteristics of the proceedings in the stages of inquiry officials and prosecutors² and the characteristics of proceedings of trials in the court³ affected the duration of the proceedings in the criminal justice process. For inquiry officials and prosecutors, in the cases where the offender can be identified, arrested, and detained during the inquiry, it took the least amount of time for criminal proceedings; followed by the cases where the offender can be identified, arrested and temporarily released; the cases where the offender can be identified but cannot be summoned to appear or arrested; and the cases where the offender cannot be identified respectively. As for the court, it found that the cases where the defendant confessed and the court did not take evidence took the least duration for criminal proceedings; followed by the cases where the defendant confessed and the court took evidence; and the cases where the defendant denied an allegation respectively.

¹ Seven types of sentences in the research

- 1) Murder/attempted murder/ assault resulting in death
- 2) Assault (only assault causing serious harm to others)
- 3) Child abduction and rape (both charges with a sentence of 10 years or more)
- 4) Robbery
- 5) Burglary/stealing cars or motorcycles/stealing agro tools/snatching (imprisonment sentence of less than 10 years)
- 6) Burglary/stealing cars or motorcycles/stealing agro tools/snatching (imprisonment sentence of 10 years or more)
- 7) Drug possession/drug possession for sale/drug sales

² Four characteristics of legal proceedings

- 1) The offender can be identified, arrested, and detained during the inquiry.
- 2) The offender can be identified, arrested, and temporarily released during the inquiry.
- 3) The offender can be identified but cannot be summoned to appear or be arrested.
- 4) The offender cannot be identified.

³ Three characteristics of legal proceedings

- 1) The defendant confessed and the court did not take evidence.
- 2) The defendant confessed and the court took evidence.
- 3) The defendant denied an allegation.

Factors affecting the duration of the criminal proceedings can be divided into the following dimensions: 1) Policy – Problems about the administrative structure in the police station, attention of superiors to criminal proceedings, crime prevention and suppression policies focusing on case control, improper number of manpower of inquiry officials, and shortages of inquiry official assistants; 2) Process – Problems concerning administrative work of inquiries and complicated legal issues, complexity of cases, failures to strictly comply with an agreement between the prosecutor and inquiry official, the sentence of each case, and internal management of each court and jurisdiction; 3) Inquiry – Overload of paperwork for inquiries and quality of inquiries; and 4) Personnel – Inquiry officials' commitment with the profession and competency, prioritization of respective cases according to the policy, and superiors' attention. Other factors included overload of cases and educating the accused or defendant about their case.

The suggestions from the research included: restructuring the inquiry work in police stations to achieve independence of work; providing legal officers with legal expertise to assist inquiry officials; creating collaboration between agencies involved in the criminal justice system to improve the pattern of inquiries; conducting studies to find solutions to inquiry officials' performance in order to upgrade their inquiry quality; and improving related laws and regulations.